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Hon. Richard Frothingham,
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POLITICAL

DISQUISITIONS, &c.

Μετα τον περι Θεων λογον, κ. τ. λ. After treating of our duty to the *Gods*, it is proper to teach that which we owe to our *Country*. For our Country is, as it were, a *secondary* God, and the firſt and greateſt *Parent*. —It is to be *preferred* to Parents, Wives, Children, Friends, and all things, the Gods only excepted.—And if our Country periſhes, it is as impoſſible to ſave an *Individual*, as to preſerve one of the fingers of a mortified hand.

HIEROCL.

Burgh, James

POLITICAL DISQUISITIONS:

OR,

An ENQUIRY into public ERRORS, DEFECTS, and ABUSES. Illustrated by, and established upon FACTS and REMARKS extracted from a Variety of AUTHORS, ancient and modern.

CALCULATED

To draw the timely ATTENTION of GOVERNMENT and PEOPLE to a due Consideration of the Necessity, and the Means, of REFORMING those ERRORS, DEFECTS, and ABUSES; of RESTORING the CONSTITUTION, and SAVING the STATE.

James Burgh.

VOLUME I.

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GENERAL PREFACE.

EVER ſince I have been of age to diſtinguiſh between good and evil, I have obſerved, that, in this bleſſed country of ours, the men in power have purſued one uniform track of taxing and corrupting the people, and increaſing court-influence in parliament, while the pretended patriots have exclaimed againſt thoſe meaſures, at leaſt till themſelves got into power, and had an opportunity of carrying on the ſame plan of government; which they ſeldom failed to do, while the conſtitution was drawing nearer to its ruin, and our country lay bleeding.

I was ſure, there was a right and a wrong in government, as in other things. I knew, that the ſpirit of the conſtitution, and the intereſt of the nation are fixed things, not to be altered backward and forward according as a *Harley*, a *Walpole*, or a *Pelham*, was in, or out of place. I ſaw much quibbling and fallacy in our party-ſquabbles, while I was certain, that there was a true and a falſe in politics, as in all other objects of human underſtanding.

I determined to take the ſenſe of mankind on the great and intereſting points of government;

and to ſee what experience teaches to expect from wiſe and upright, as well as from blundering and corrupt adminiſtration.

I applied the leiſure hours of many years to the peruſal of the beſt hiſtorical and political books, antient and modern, and made collections to the quantity of many folio volumes.

I conſidered, that hiſtory is the inexhauſtible mine, out of which political knowledge is to be brought up. This was obſerved by *Plato*, and in conſequence he wrote his REPUBLIC, and other political works. *Ariſtotle*'s POLITICA are full of wiſe remarks, drawn chiefly from hiſtory. MONTESQUIEU has collected his admirable work, L'ESPRIT DES LOIX, in great meaſure, from hiſtory. *Montague*'s excellent book on ANTIENT REPUBLICS is wholly made out of the ſame materials. The abbé de *St. Pierre* labours in many parts of his *Ouvrages Politiques* (particularly in his Eſſay, entituled, *Obſervations pour rendre*, &c. *Remarks for rendering the Peruſal of Plutarch's Lives more agreeable, and more profitable)* to ſhew, that there are no means ſo effectual for communicating the moſt uſeful inſtructions to the minds of men, as making obſervations upon the facts recorded in hiſtory. *Alphonſus* V. king of *Arragon*, was wont to ſay, the dead were the beſt counſellors. *Rollin* wrote his ANTIENT and ROMAN HISTORIES on purpoſe that he might have an opportunity

tunity of making uſeful moral and political remarks upon the facts he was to relate. Our incomparable female hiſtorian has given the public a new hiſtory of the *Stuarts*, for the purpoſe of inculcating on the people of *Britain* the love of liberty and their country.

That no important hiſtorical fact, nor valuable political remark, or as few as poſſible, might eſcape me, I went through a general courſe of ſuch reading; particularly the following, *viz.* UNIVERSAL HISTORY, ANTIENT and MODERN, 68 volumes, beſides ſeveral of the *Greek* and *Latin* originals; *Rapin*'s, and two or three other *Engliſh* hiſtories; MAGAZINES of the laſt 10 years; PARLIAMENTARY HISTORY, 24 volumes; DEBATES of the Lords and Commons, 30 volumes; *Antient* and *Modern* Republics, 27 volumes; the *Harleian* MISCELLANY, 8 volumes; *Somers*'s Tracts, 16 volumes; the political writings of *Sidney*, *Locke*, *Harrington*, *Gordon*, *Trenchard*, *Bolingbroke*, *St. Pierre*, *Hume*, *Monteſquieu*, *Blackſtone*, *Mountague*, *Rymer*'s FOEDERA, STATUTES at LARGE, STATE PAPERS, &c. And it is my purpoſe to apply what may remain to me of life and leiſure to the ſame ſtudy: and if I find any new matter intereſting to my country, which I cannot inſert in the body of this work, it ſhall be given the public in a ſupplemental volume.

Moſt writers have a ſet of doctrines they would lay before the public, and they peruſe authors on the ſame ſubject, in order to ſtrengthen their own aſſertions by the authority of eſtabliſhed writers. But I read in order to obſerve *what* the beſt hiſtorical and political writers have ſaid, and to lay *that* before the public, as deciſive. And as I did not, in collecting my materials, truſt to indexes; but turned over, page by page, many hundreds of volumes, the matter I collected came at laſt to ſuch a prodigious heap,

(——*rudis indigeſtaque moles,*
————*congeſtaque eodem*
Non bene junctarum diſcordia ſemina rerum.
OVID.)

that I foreſaw, I ſhould have nò ſmall difficulty in arranging this chaos into a ſyſtem. Nor have I been able to pleaſe myſelf at laſt in this reſpect. For many articles are, I doubt, not referred to the heads, to which they moſt properly belong; and many articles relate to ſeveral heads. I hope, however, by means of a table at the end of the whole, to make up for this deficiency.

I have every where referred to the volume and page of my authors with as much correctneſs as I could, that my readers may ſatisfy themſelves; and, if they think fit, may peruſe what I have not quoted. Where I have put turned commas, I quote verbatim; and where I tranſlate, or abridge

abridge the ſenſe of my authors, I believe the reader will find I give it genuine. When I inſert ſhort remarks of my own in the midſt of other matter, I incloſe them with brackets for diſtinction's ſake.

The political authors I quote are not all of equal authority. To moſt of them I appeal on account of the weight, which their opinion has juſtly obtained; others I introduce becauſe they have expreſſed the ſentiment I would inculcate, with ſuch clearneſs and ſtrength as muſt convince every reaſonable reader. In caſes where it may be ſuppoſed a writer may be partial to a particular ſentiment, it is an advantage to give his reader the ſame ſentiment in the words of another, rather than in his own, though the author quoted may not be of the firſt rank for merit and weight.

I do not pretend to have extracted from my authors, or to have applied all that may be found in them intereſting to this country. But the number of facts and remarks I have extracted and applied, is ſo conſiderable, that I think the collection muſt be valuable, as tending to ſave gentlemen, who would improve themſelves in political knowledge, a great deal of time and labour, and as ſerving to bring together a multitude of uſeful hiſtorical precedents, and of wiſe reflections, ſcattered in many hundred volumes; upon which materials alone it is poſſible to found any ſolid political principles.

Every

Every body has obſerved, that, on political ſubjects, the opinions of men are peculiarly vague, unſettled, and contradictory, becauſe all men will, and in a free country, *ought* to judge of politics. There are indeed many particulars to be attended to, various views of things to be taken, and many compariſons to be made, in order to form juſt and ſteady principles of politics. And theſe employments of the mind requiring leiſure, thought, and labour, it is not to be wondered, that few ever come to deſerve, in a general and extenſive manner, the character of ſound politicians; though it is certain that every man of common ſenſe may, if unbiaſſed, very clearly ſee wherein his country's great intereſt conſiſts.

The ſame obſervation may be made on politics as one of the fathers has made on holy Scripture; The lamb may wade in them, and the elephant ſwim.

'The ſcience of politics' [extenſively conſidered] 'is as much ſuperior to all others,' ſays *S. Pierre*, 'as the whole is ſuperior to a part. For 'it comprehends all human knowledge, and, to 'be a good politician, a man muſt have a gene-'ral knowledge of all arts and ſciences [a].' On the other hand, it is obſerved by *Locke*, That politics [in the common and confined ſenſe] are only common ſenſe applied to national, inſtead of private concerns.

Some

[a] *S. Pierre*, OUVR. POLIT. VI. 14.

Some things are right in theory, for inſtance, but not in practice, and contrariwiſe. Hereditary ſucceſſion to regal power applied to the teſt of reaſon, appears, *à priori*, conſummately abſurd. But elective monarchy, if we judge of it from its effects in *Poland*, is an inexhauſtible fountain of miſchief to a country. Some meaſures are in general ſalutary; but purſued at particular times, would ruin all. In diſtinguiſhing wiſely lies the ſuperiority of genius in ſtateſmen.

'There are no ſuch mighty talents neceſſary 'for government as ſome, who pretend to them, 'without poſſeſſing them, would make us be- 'lieve. Honeſt affections, and common qualifi- 'cations, are ſufficient, and the adminiſtration 'has always been beſt executed, and the public 'liberty beſt preſerved, near the origin and 'riſe of ſtates, when plain ſenſe, and common 'honeſty alone governed public affairs, and the 'morals of men were not corrupted by riches 'and luxury, nor their underſtanding perverted 'by ſubtleties and diſtinctions. Great abilities 'have generally, if not always, been employed 'to miſlead the honeſt unwary multitude, and 'draw them out of the plain paths of public 'virtue and public good [a].'

In a country which pretends to be free, and where, conſequently, the people ought to have weight in the government, it is peculiarly neceſſary

[a] CATO'S LETT. I. 178.

ſary that the *people* be poſſeſſed of juſt notions of the intereſt of their country, and be qualified to diſtinguiſh between thoſe who are faithful to them, and thoſe who betray them.

It muſt, I think, fill every generous mind with indignation, to ſee our good-natured countrymen abuſed over and over, from generation to generation, by the ſame ſtale dog-tricks repeatedly played upon them, by a ſucceſſion of pretended patriots, who, by theſe means, have ſcrewed out their predeceſſors, and wormed themſelves into their places. To teach the people a ſet of ſolid political principles, the knowledge of which may make them proof againſt ſuch groſs abuſe, is one great object of this publication.

If the people do not look with an eye of ſevere and unremitting jealouſy, after their own great and weighty concerns, in whoſe hands muſt they leave them? The anſwer is, In thoſe of a miniſtry. And what hope is there, that in ſuch hands they will be ſafe? In theſe collections, under the article MINISTERS, it will too plainly appear, from hiſtory, that miniſters have generally been a ſet of ambitious, or avaritious grandees, who have, by all the worſt kinds of arts, thruſt themſelves into power, in order to raiſe (as they call it) themſelves and their families, and to fill their pockets. Entering into public ſtations with ſuch views, it is to be ſuppoſed, that they would form to themſelves an intereſt

totally

totally ſeparate and diametrically contrary to that of the people, and that they would debauch the houſe of commons to join them againſt their conſtituents. And is it not then neceſſary, that the people ſhould be qualified, and diſpoſed to take care of their own intereſts, and ſecure themſelves againſt ſo formidable a ſet of internal enemies?

'None can be ſaid to know things well, who 'do not know them in their beginnings,' ſays Sir *W. Temple* [a].

'All ought to know what is right, and what 'is wrong in public affairs,' ſays *St. Amand* [b].

Not only the people, but our ſtateſmen and legiſlators, may from the following collections gain lights, and meet with hints, which, if properly purſued, may lead them to meaſures of a more generous kind, than that ſeries of poor and temporary expedients, by which they have long made a ſhift to patch up matters, and barely keep the machine of government from burſting in ruins about them, while the efficiency of the conſtitution (as will too clearly appear in the ſequel) is annihilated.

The ableſt politicians have always been the moſt deſirous of information. The great *Colbert* uſed to declare, that he thought his time well ſpent in peruſing an hundred propoſals for advancing the wealth, the commerce, and the glory

[a] Pref. to HIST. ENG. [b] Pref. to HIST. PARL.

glory of *France*, if but one of them deſerved to be encouraged [a].

If, on the contrary, any *Leviathan* of power ſhews himſelf bent on other objects, than the public good, and with a brutal effrontery preſumes publicly to turn into ridicule all that tends to national benefit, and to declare, as ſome ſtateſmen have been known to do, That he knows of only one engine of government, *viz.* 'Finding every man's price, and giving it to him;' it is to be hoped, that the independent people will find a hook for his jaws, and be able to drag him out of that ſea of power, in which he wallows, that the veſſel of the ſtate may ſail in ſafety. To point out thoſe enemies of mankind, and to animate the independent people againſt them, is as great a ſervice as can be done the public. Whether theſe collections will, in any degree, produce this effect, remains to be ſeen.

Some courtly readers may think I have put too much gall into my ink, when deſcribing the political abuſes, which diſgrace our country: But Mr. *Gordon* [b] ſays, 'No man can be too 'deſirous of the glory and ſecurity of his country, 'nor too angry at its ill uſage, nor too revenge-'ful againſt thoſe, who abuſe and betray it.'

When Sir *J. Barnard*, *A. D.* 1740, was cenſured in the houſe of commons by Sir *W. Yonge*, for

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[a] *Poſtlethw.* BRIT. TRUE SYSTEM, xlv.

[b] CATO'S LETT. II. 49.

for calling the ſeamens bill by its proper name, he anſwered as follows.

'I have always heard it repreſented as an 'inſtance of integrity when the tongue and 'heart move in concert, when the words are 'repreſentations of the ſentiments; and have 'therefore hitherto endeavoured to explain my 'arguments with perſpicuity, and to impreſs my 'ſentiments with force. I have thought it 'hypocriſy to treat ſtupidity with reverence, or 'honour nonſenſe with the ceremony of confu-'tation. As knavery, ſo folly, that is not re-'claimable, is to be ſpeedily diſpatched, buſineſs 'is to be freed from obſtruction, and ſociety 'from nuiſance. Now, Sir, when I am cenſured 'by thoſe whom I may offend by the uſe of 'terms correſpondent with my ideas, I will not, 'by a tame and ſilent ſubmiſſion, give reaſon to 'ſuſpect, that I am conſcious of a fault, but 'will treat the accuſation with open contempt, 'and ſhew no greater regard to the abettors than 'to the authors of abſurdity. That decency is 'of great uſe in public debates, I ſhall readily 'allow; it may ſometimes ſhelter folly from 'ridicule, and preſerve villainy from public de-'tection; nor is it ever more carefully ſupported 'than when meaſures are promoted, which 'nothing can preſerve from contempt but the 'ſolemnity with which they are eſtabliſhed. De-'cency is a proper circumſtance; but liberty is the 'eſſence of parliamentary diſquiſitions. Liberty 'is the parent of truth: but truth and decency

'are ſometimes at variance: all men and all pro-
'poſitions are to be treated here as they deſerve;
'and there are many who have no claim either
'to reſpect or decency.'

I expect the ſons of ſlavery to cry out, 'The
'author is a republican, a diſcontented party-
'man, a jacobite, a papiſt.' So the *Jews* ſtig-matized the primitive chriſtians, and the papiſts to this day the proteſtants with the odious appellation of heretics. The court-ſycophants in *Charles* I.'s times called the friends of liberty puritans, and the *Walpolians* called the oppoſers of that arch-corruptor diſaffected. But wiſdom is juſtified of her children. Let our courtiers overthrow the facts and the reaſonings in the following pages. If they cannot, they are to yield to truth, were it delivered to them even by a papiſt.

I would wiſh the reader to think I write in the ſpirit of a true independent whig, whoſe character Mr. *Gordon* deſcribes as follows.

'An independent whig ſcorns all implicit
'faith in the ſtate, as well as the church. The
'authority of names is nothing to him; he judges
'all men by their actions and behaviour, and
'hates a knave of his own party as much as he
'deſpiſes a fool of another. He conſents not
'that any man or body of men ſhall do what
'they pleaſe. He claims a right of examining
'all publick meaſures, and if they deſerve it,
'of cenſuring them. As he never ſaw much
'power

'power poſſeſſed without ſome abuſe, he takes 'upon him to watch thoſe that have it; and to 'acquit, or expoſe them, according as they 'apply it to the good of their country, or their 'own crooked purpoſes [a].'

Others may alledge, that a private gentleman, who has never been employed in the ſtate, is leſs likely to be of ſervice to the public by writing on political ſubjects. Let *Harrington* anſwer them.

'It was in the time of *Alexander*, the greateſt 'prince and commander of his age, that *Ariſtotle*, 'with ſcarce inferior applauſe and equal fame, 'being a private man, wrote that excellent piece 'of prudence in his cabinet, which is called his '*Politics*, going upon far other principles than 'thoſe of *Alexander*'s government, which it has 'long outlived. The like did *Titus Livius* in 'the time of *Auguſtus*, Sir *Thomas Moor* in the 'time of *Hen.* VIII. and *Machiavel* when *Italy* 'was under princes that afforded him not the 'ear. Theſe works nevertheleſs are all of the 'moſt eſteemed and applauded in this kind; 'nor have I found any man whoſe like endea-'vours have been perſecuted ſince *Plato* by '*Dionyſius*. I ſtudy not without great examples, 'nor out of my calling; either arms, or this art, 'being the proper trade of a gentleman. A 'man may be intruſted with a ſhip, and a good 'pilot

[a] *Gord.* TRACTS, I. 311.

'pilot too, yet not understand how to make sea 'charts. To say that a man may not write of 'government, except he be a magistrate, is as 'absurd as to say, that a man may not make a 'sea chart, unless he be a pilot. It is known, 'that *Christopher Columbus* made a chart in his 'cabinet, that found out the *Indies*. The magi-'strate, that was good at his steerage, never took 'it ill of him that brought him a chart, seeing 'whether he would use it or no, was at his own 'choice; and if flatterers, being the worst sort 'of crows, did not pick out the eyes of the 'living, the ship of government at this day 'throughout Christendom had not struck so often 'as she has done. To treat of affairs, says '*Machiavel*, which as to the conduct of them 'appertain to others, may be thought a great 'boldness; but if I commit errors in writing, 'these may be known without danger; whereas, 'if they commit errors in acting, such come not 'otherwise to be known than in the ruin of the 'commonwealth [a].'

I do not pretend to enter far into political controversy. Life is not long enough to dispute all that is disputable in so boundless a subject as politics, or to give the *pro* and *con* of all controverted points.

If I sufficiently prove a point, as, That a standing army is dangerous to liberty, That placemen

[a] OCEANA, p. 235.

placemen in the houſe of commons are inconſiſtent with the neceſſary independence of the repreſentative body, &c. it ſignifies little what may be urged in defence of thoſe abuſes. For though, '*Audi alteram partem*, Hear both ſides,' is a good maxim in law, yet there are caſes, when that is needleſs. If there be ſufficient poſitive proof, that the accuſed was at *Edinburgh* at the hour, in which a murdered perſon was killed at *London*, it can ſignify little to hear preſumptions of his guilt, unleſs it were to give a declaimer an opportunity of ſhining.

As to the article of *ſtyle*, I am in hopes, every candid reader will allow, that the collector of ſuch a variety of matter could not well ſpend time in gathering the flowers of *Parnaſſus*. Such a work as this, adorned with the flights of rhetoric, would reſemble an anchor (would to God this work might prove an anchor to the tempeſt-toſſed ſtate!) ornamented with carving and gilding. And I cannot help remarking here, that, of late years, we ſeem to have paſſed from too great a negligence of ſtyle to an exceſs on the laboured and finical ſide. I have, in what of the following is written by me, aimed at perſpicuity.

The worthleſſneſs of the great is often not leſs *ridiculous* than it is odious. In remarking upon it, I have ſometimes been forced to laugh, though with a heavy heart. This, as I indulge it but ſeldom, I hope the reader will excuſe.

Paſcal, a grave author, if ever there was one, recommends the uſe of ridicule in oppoſing opinions too abſurd to bear reaſoning [a].

Shafteſbury carries this point ſo far as to ſet up (very erroneouſly in my opinion) ridicule for a teſt of truth, inſtead of truth for a teſt of ridicule. Even the inſpired writers have not diſdained the uſe of ridicule [b].

——*ridentem dicere verum*
Quis vetat?
——*ridiculum acri*
Fortius et melius magnas plerumque ſecat res.
HOR.

Though the ſubject of the intended ſubſequent volumes be the continuation of what is treated in this firſt, *viz.* an enquiry into public abuſes, and means of correcting them; it is my intention, that this and every ſucceeding volume, be, in ſuch a manner complete and independent, as to be fit to ſtand by itſelf without any of the others; as if each volume was a different book.

In this volume, for inſtance, I have endeavoured to ſhew, that our parliaments are, at preſent, upon ſuch a foot, as to the inadequate ſtate of repreſentation, the enormous length of their period, and miniſterial influence prevailing in them, that their efficiency for the good of the people is nearly annihilated, and the ſubverſion of

[a] PROVINC. LETTERS, Let. XI.
[b] See 1 KINGS, XVIII.

of the conſtitution, and ruin of the ſtate is (without timely reformation of theſe abuſes) the conſequence unavoidably to be expected.

If the candid reader finds, that all this is but too effectually proved in this firſt volume, then may this firſt volume be properly ſaid to be complete, and independent on thoſe intended to follow.

Thoſe minute critics, whom Mr. *Pope* dignifies and diſtinguiſhes by the title of Haberdaſhers of ſmall wares, may plume themſelves upon finding ſome errors and inaccuracies in this work. In the liſt of boroughs, for inſtance, which ſend in the majority of the houſe of commons, two or three places are ſaid to ſend 2 members each, whereas they ſend only one each. But in that calculation an error of 1000, or 10,000 voters is nothing toward invalidating the aſſertion to be proved: And the caſe will be the ſame in many other inſtances. If any miſtakes of importance are pointed out to the author, he will thankfully acknowledge them. And if he ſhould have occaſion to publiſh a new edition, corrected, or improved, he will take care, that the *firſt* purchaſers have the corrections and improvements *gratis*.

It never was my deſign to form a *ſyſtem* of politics; therefore I did not hold myſelf obliged to treat of all political ſubjects.

On land war I have collected little, beſides conſiderations ſhewing, that we have hardly ever

had any occaſion to intangle ourſelves with the diſputes between the powers on the continent, unleſs where we could employ our *naval* force with ſucceſs.

Commerce is an immenſe field, into which I ſeldom enter; the comprehenſive Dictionary on that ſubject by Mr. *Poſtlethwayte*, and Hiſtory by my late eſteemed friend Mr. *Anderſon*, having ſuperſeded my labour. In theſe two books, and the original authors quoted in them, is contained a treaſure of valuable remarks on that moſt intereſting ſubject, to which every public-ſpirited perſon in the kingdom ought to attend.

The ſubjects treated of in this volume are drawn out in the following table of contents. If the public ſhews a diſpoſition to receive favourably the remainder of what I have collected, it ſhall be publiſhed with all convenient ſpeed; as there is but little wanting to fit it for the preſs. For the remaining volumes, I have by me large collections on the following heads, *viz.*

Of corruption in general; of degeneracy in this country; of manners, education, luxury, adultery, duelling, &c. of liberty in general; of various forms of government, their reſpective advantages and diſadvantages; of *Britiſh* liberty; danger of the loſs of liberty, and conſequences; of juries, advantages and diſadvantages; of law, and its grievances; of colonies, and the proper methods for encouraging them; of the army, and

and dangers from it; advantages of a militia; the ruinous effects of continental connexions; the importance of the navy; the conduct of finances, comprehending taxes, customs, excises, national debt, stock-jobbing, &c.; a view of the arts of wicked ministers, and favourites; character and conduct of kings; and of lords; a display of priestcraft; importance of population, comprehending observations on provisions, monopolies, cultivation of land, &c.; of redress by the people, when government refuses it; of party; of patriotism, true and false; of national prejudice, and many other articles.

The subject of these collections, though political, goes beyond mere *temporal* concerns. It takes in education, manners, and characters, public and private. Those are but shallow politics, which do not comprehend sound morals; and the consequences of the moral characters of men reach into the unseen world.

Long Prefaces are seldom acceptable to readers. I shall therefore beg leave to break off here for the present, and to leave before the impartial tribunal of the public my following labours, not doubting but they will be in general received with the candor, which their *intention*, more than their *merit*, may claim.

BOOKS *quoted, or referred to, in this First Volume.*

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Antonius Thyſius, DE REPUBLICA ATHENIENSI.
ANTIENT UNIVERSAL HISTORY.
Almon's DEBATES OF THE HOUSE OF COMMONS.
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Burnet's HISTORY OF HIS OWN TIMES.
Brady's HISTORY OF ENGLAND.
Blackſtone's COMMENTARIES ON THE ENGLISH LAW.
Bohun's RIGHT OF ELECTION.
Borlaſe's NATURAL HISTORY OF CORNWAL.
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Bolingbroke's REMARKS ON ENGLISH HISTORY.

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HISTORICAL ESSAYS ON THE ENGLISH CONSTITUTION.
HARLEIAN MISCELLANY.

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M

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Monteſquieu, L'ESPRIT DES LOIX.
MAGAZINES.
Macaulay's HISTORY OF ENGLAND.
Milton's PARADISE LOST, EIKONOCLASTES, *&c.*
Machiavel's POLITICAL WORKS.
MIRROR OF JUSTICES, by *Andrew Horne.*
Murray (Alex.) Eſq. PAMPH.

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Nepos (Corn.) VITÆ.
NEWS-PAPERS.
Nalſon's COLLECTIONS.

P

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Plutarchi VITÆ.
Poſtlethwayte's DICTIONARY OF COMMERCE; BRITAIN'S TRUE SYSTEM, *&c.*
PARLIAMENTARY HISTORY.
(Polybius) PREFACE TO A FRAGMENT FROM.
Pierre (S.) OUVRAGES DE.
Petyt's MISCELLANIA PARLIAMENTARIA.

R

Rapin's HISTORY OF ENGLAND.
Richelieu's TESTAM. POLIT.

REVIEW OF THE PLACE-BILL.
Reynel's (*Abbé*) HISTORY OF ENGLISH PARL.
Retz (*Cardinal de*) MEMOIRS.
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S

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Steele (*Sir Rich.*) ENGLISHMAN and CRISIS.
Suetonii CÆSARES.
Simleri HELVETIÆ DESCRIPTIO.
Sidney ON GOVERNMENT.
Smith's (*Sir Thomas*) COMMONWEALTH OF ENGL.
STATE TRACTS *written in the time of k. William.*

T

Taciti ANNAL. et HISTOR.
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Temple's (*Sir William*) WORKS.

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Velleius Paterculus.
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ERRATA.

Page 11, Line 1ſt from the Bottom, for *Juſtin*, read *Corn. Nepos.*

—— 35, —— 2d from the Bottom, for *condition*, read *conduct.*

—— 38, —— 20, for 410,000, read 416,000.

—— —— 4th from the Bottom, for *right* or *privilege*, read *privilege.*

—— 42, —— 9, for *Higham Ferrers* 2, read *Higham Ferrers* 1.

—— —— 12, for *Banbury* 2, read *Banbury* 1.

—— 44, —— 18, for *Bewdley* 2, read *Bewdley* 1.

—— 47, —— 7, for 256, read 254.

—— 49, —— 1, for *probably* 30,000, read *probably* 20,000.

—— 118, —— 5th from the Bottom, for *was. That*, read *was, That*

—— 338, —— 8th from the Bottom, for *right*, read *rightly.*

—— 407, —— 16, for *endeaveured*, read *endeavoured.*

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BOOK I.

Of Government, briefly.

CHAP. I.

Government by Laws and Sanctions, why neceſſary.

IF there be, in any region of the univerſe, an order of moral agents living in ſociety, whoſe reaſon is ſtrong, whoſe paſſions and inclinations are moderate, and whoſe diſpoſitions are turned to virtue, to ſuch an order of happy beings, legiſlation, adminiſtration, and police, with the endleſsly various and complicated apparatus of politics, muſt be in a great meaſure ſuperfluous. Did reaſon govern mankind, there would be little occaſion for any other government, either monarchical, ariſtocratical, democratical, or mixed. But man, whom we dignify with the honourable title of *Rational*, being much more frequently influenced, in his proceedings, by ſuppoſed intereſt, by paſſion, by ſenſual appetite, by caprice, by any thing, by nothing,

than by reaſon; it has, in all civilized ages and countries, been found proper to frame laws and ſtatutes fortified by ſanctions, and to eſtabliſh orders of men inveſted with authority to execute thoſe laws, and inflict the deſerved puniſhments upon the violators of them. By ſuch means only has it been found poſſible to preſerve the general peace and tranquillity. But, ſuch is the perverſe diſpoſition of man, the moſt unruly of all animals, that this moſt uſeful inſtitution has been generally debauched into an engine of oppreſſion and tyranny over thoſe, whom it was expreſly and ſolely eſtabliſhed to defend. And to ſuch a degree has this evil prevailed, that in almoſt every age and country, the *government* has been the principal *grievance* of the people, as appears too dreadfully manifeſt, from the bloody and deformed page of hiſtory. For what is general hiſtory, but a view of the abuſes of power committed by thoſe, who have got it into their hands, to the ſubjugation, and deſtruction of the human ſpecies, to the ruin of the general peace and happineſs, and turning the Almighty's fair and good world into a butchery of its inhabitants, for the gratification of the unbounded ambition of a few, who, in overthrowing the felicity of their fellow-creatures, have confounded their own?

That government only can be pronounced conſiſtent with the deſign of all government, which allows to the governed the liberty of doing what, conſiſtently with the *general* good, they may deſire to do, and which only forbids their doing the contrary. Liberty does not exclude reſtraint; it only excludes unreaſonable reſtraint. To determine preciſely how far *perſonal* liberty is compatible with the *general* good, and of the propriety of ſocial conduct in all caſes, is a matter

matter of great extent, and demands the united wisdom of a whole people. And the *consent* of the whole *people*, as far as it can be obtained, is indispensably *necessary* to every law, by which the whole *people* are to be bound; else the whole people are enslaved to the *one*, or the *few*, who frame the laws for them.

Were a colony to emigrate from their native land, and settle in a new country, on what would they propose to bestow their chief attention? On securing the happiness of the *whole?* or on the aggrandizement of the governor? If the latter, all mankind would pronounce those colonists void of common sense. But in every absolute monarchy, the aggrandizement of the governor is the supreme object; and the happiness of the *people* is to yield to it. Were only a handful of friends to form themselves into one of those little societies we call Clubs; what would be their object? The advantage of the company, or the power of the chair-man?

Very shrewd was *Rumbald*'s saying in *Charles* II's. time, viz. 'He did not imagine, the Almighty intended, that the greatest part of mankind should 'come into the world with saddles on their backs, and 'bridles in their mouths, and a few ready booted and 'spurred to ride the rest to death [a].'

CHAP. II.

The People the Fountain of Authority, the Object of Government, and last Resource.

ALL lawful authority, legislative, and executive, originates from the *people*. Power in the *people* is like light in the sun, native, original, inherent and

[a] *Burn.* HIST. OWN TIMES, II. 316.

unlimited by any thing human. In governors, it may be compared to the reflected light of the moon; for it is only borrowed, delegated, and limited by the intention of the people, whose it is, and to whom governors are to consider themselves as responsible, while the people are answerable only to God; themselves being the losers, if they pursue a false scheme of politics. Of which more hereafter.

As the people are the fountain of power, so are they the object of government, in such manner, that where the people are safe, the ends of government are answered, and where the people are sufferers by their governors, those governors have failed of the main design of their institution, and it is of no importance what other ends they may have answered.

As the people are the fountain of power, and object of government, so are they the last resource, when governors betray their trust. And happy is that people, who have originally so principled their constitution, that they themselves can without violence to it, lay hold of its power, wield it as they please, and turn it, when necessary, against those to whom it was entrusted, and who have exerted it to the prejudice of its original proprietors. Of all which more copiously hereafter.

Legem majestatis reduxerat, &c. says *Tacitus*. The antient *lex majestatis* among the *Romans* was intended against those who injured the *state*; and the *majesty*, in defence of which it was made, was the majesty of the *people*. But *Tiberius* perverted that salutary law into a protection for *tyrants*. So our court-sycophants cry out, on every remonstrance against misgovernment, 'Treason! The king is betrayed; the nation is 'ruined,' while nobody but themselves has the least thought of hurting the king, nor of ruining any thing, but that which, if let *alone*, will ruin the nation.

CHAP. III.

Of Government by Repreſentation.

GOvernment naturally divides itſelf into legiſlative and executive. No degree of *wiſdom* is more than ſufficient for the former. For the latter, nothing but well regulated *force* is wanted. To compoſe a ſyſtem of wiſe and good laws is the utmoſt effort of human ſagacity. To carry on the affairs of a nation, in a long-beaten track, requires only common ſenſe and common diligence.

The moſt natural and ſimple idea of government is that of the people's aſſembling together in their *own perſons*, for conſulting, debating, enacting laws, and forming regulations, according to which all are to conduct themſelves, and by which the general liberty, property, and ſafety are provided for. Accordingly this is the plan of government among the Indians in *America*, and other ſimple and uncultivated people; and is deſcribed by *Cæſar*, *Tacitus*, &c. as having been that of the antient *Gauls*, and *Germans*.

But ſuch a ſcheme of government is thought only compatible with a ſmall dominion. In great and populous countries, it being ſuppoſed impoſſible to aſſemble together, in a deliberative capacity, the whole body of the people, or even all the men of property, ſo as to avoid confuſion, and to obtain the unconſtrained opinion of a majority, it is thought neceſſary to have recourſe to an adequate and freely elected *repreſentation*.

It may be ſaid, 'Why might not (in *Britain* for 'inſtance) the inhabitants of ſingle counties meet to-'gether to deliberate on thoſe ſubjects, which are now 'debated in parliament, and afterwards communicate

'the result of their consultation to a grand national 'assembly?' The answer is, This would still be government by representation; because the national assembly must be the elected representatives of the people. Of all which more hereafter.

In planning a government by representation, the people ought to provide against their own *annihilation*. They ought to establish a regular and constitutional method of acting by and from *themselves*, without, or even in opposition to their *representatives*, if necessary. Our ancestors therefore were provident; but not provident enough. They set up parliaments, as a curb on *kings* and *ministers*; but they neglected to reserve to themselves a regular and constitutional method of exerting their power in curbing *parliaments*, when necessary. Of which I shall have occasion to treat more fully in the sequel.

CHAP. IV.

Advantages of parliamentary Government, which have recommended it to many Nations.

THERE is no advantage within the reach of a particular people, that may not be obtained by parliamentary government in as effectual a manner, as if every inhabitant of the country were to deliberate and vote in person. But this supposes parliament free from all indirect influence, and to have no interest separate from the general good of the commonwealth.

In a country, like *Britain*, where a parliament is constitutionally the last resort, and where there lies no regular appeal to the *people*, the perversion of parliament from its original intention may prove utter ruin,

as

as leaving no conſtitutional means of redreſs, and compelling the people to take into their own hands the dangerous work of vindicating their liberties by force; which, in the concuſſion of jarring parties, may produce anarchy and end in tyranny. Of which more hereafter.

Nothing can be imagined more auguſt than a numerous ſet of wiſe, free, and honeſt men ſitting in conſultation upon the means for ſecuring the happineſs of a whole people. Such was that moſt venerable antient aſſembly of the *Amphictyons*, which was the general tribunal of *Greece* for judging and deciding all controverſies among the ſeveral ſtates. So great was the reſpect in which the deciſions of that council were held, that their ſentences were ſeldom, or never, diſputed, and that grievous wars were often terminated by their arbitration. The ſeveral ſtates of *Greece*, in number about twelve, ſent each to this grand court one, two, or three delegates, according to their reſpective importance [a].

The *Panætolium* of the antient *Aetolians* ſeems to have been an aſſembly very much upon the plan of our houſe of commons. This convention met annually, or oftener, if neceſſity required. Repreſentatives were ſent to this aſſembly from all quarters, with inſtructions, from which they were not to deviate. In this *Panætolium* reſided the whole majeſty of the ſtate. In it laws were made and repealed, alliances formed and renounced, peace and war declared, magiſtrates appointed, particularly the στρατηγος, or chief commander, for every year, &c [b].

The antient *Achaia* was a confederacy of ſtates, like our modern *Holland*, or *Swiſſerland* [c]. Each of thoſe little

[a] *Ubb.* Emm. II. 277. [b] Ibid. II. 251.
[c] Ibid. II. 228.

little ſtates had its poſſeſſions, territories, and boundaries; each had its ſenate, or aſſembly, its magiſtrates and judges; and every ſtate ſent deputies to the general convention, and had equal weight in all determinations [a]. And moſt of the neighbouring ſtates, which, moved by fear of danger, acceded to this confederacy, had reaſon to felicitate themſelves.

The government of the antient commonwealths of *Italy*, before the *Roman* was formed, was much upon a free or parliamentary plan.

The *Iſraelitiſh* government was of the free, or parliamentary kind. The people's demanding a change of the form of their government into monarchical, was directly oppoſite to their conſtitution, and to the divine intention. Which, by the bye, ſhews the abſurdity of the doctrine of regal government's being of divine original. Of which more elſewhere.

The republic of *Lycia* was a confederacy of towns, which they ranged into three claſſes according to their reſpective importance. To the cities of the firſt rank they allowed three votes each in the general council; to thoſe of the ſecond two, and to thoſe of the third one. 'For reaſon taught them, that they, who have 'the moſt at ſtake, ought to have the greateſt weight 'in all conſultations concerning the common good [b].'

Sparta, as modelled by the good and wiſe *Lycurgus*, was a republican, or parliamentary government, though of a mixed kind; for there were kings, a ſenate elected by the people, and an aſſembly of the people, the conſent of which laſt was neceſſary to the eſtabliſhment of a law, ſays *Plutarch* [c]. Τὸ δὲ πληθὸς ἀθροισθὲντος,

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[a] *Ubb.* EMM. II. 230. [b] Ibid. II. 300,

[c] VIT. LYCURG. ſub init.

κ. τ. λ. Nor was this mixture an objection againſt the *Spartan* government's being of the free, or parliamentary kind. The *Theban*, the *Dutch*, the *Engliſh*, and other free, or parliamentary governments have all been of the mixed ſort, having admitted kings, or ſtadtholders, or other chiefs. There has indeed hardly ever been known a pure commonwealth; though many an unmixed monarchy, or tyranny. The *Engliſh* republic, which was demoliſhed by the villainous *Cromwel*, was one of the moſt unmixed, that ever was known. It was a true government by repreſentation; of which more hereafter. In the mean while, now I am mentioning republican government, I take this opportunity of entering an expreſs caveat againſt all accuſations of a deſire to eſtabliſh republican principles. I do not think a friend to this nation is obliged to promote a change in the conſtitution. The preſent form of government by king, lords, and commons, if it could be reſtored to its true ſpirit and efficiency, might be made to yield all the liberty, and all the happineſs, of which a great and good people are capable in this world. Therefore I do not think it worth while to hazard any conſiderable commotion for the ſake merely of changing the conſtitution from limited monarchy to republican government, though I hardly know the riſque it would not be worth while to run for the ſake of changing our government from *corrupt* to *incorrupt*. But to return.

Athens, as reformed by *Solon*, was a free, or parliamentary ſtate, conſiſting of a ſenate of 400 elected by the people, beſides the court of *Areopagus*. The pooreſt of the people had a right of ſpeaking

and voting in the εκκλησια, or assembly of the people, or, if you please, house of commons. The people indeed possessed, by this means, a degree of power above the reach of such as the vulgar were in those antient unimproved ages, before the art of printing had made knowledge universal as in our times. The errors in the *Athenian* state were in the first concoction. Had *Solon* been concerned in the original framing of it, that state would have been longer-lived. He confessed, that all he could do was, To give the *Athenians* the best laws their degeneracy could bear [a].

'*Athens* consisted, says *Harrington* [b], of the senate 'of the bean proposing, of the church or assembly of 'the people resolving, and too often debating, which 'was the ruin of it; as also of the senate of the *Areo-* 'pagites, the 9 *archons*, with divers other magistrates, 'executing. *Lacedæmon* consisted of the senate pro- 'posing, of the church or congregation of the people 'resolving only, and never debating, which was the 'long life of it; and of the two kings, the court of 'the *ephori*, with diverse other magistrates, executing. 'Carthage consisted of the senate proposing, and some- 'times resolving; of the people resolving, and some- 'times debating too; for which fault she was repre- 'hended by *Aristotle*, and she had her *suffetes*, and her 'hundred men, with other magistrates, executing. 'Rome consisted of the senate proposing, the *concio* or 'people resolving, and too often debating, which 'caused her storms; as also of the consuls, censors, 'ædiles, tribunes, prætors, quæstors, and other magi- 'strates, executing. *Venice* consists of the senate or

pregai

[a] *Plut.* Vit. Solon. [b] Oceana, 51.

'*pregati* propoſing, and ſometimes reſolving too; of 'the great council, or aſſembly of the people, in 'whom the reſult is conſtitutively, as alſo of the 'doge, the ſignory, the cenſors, the dieci, the qua-'zancies, and other magiſtrates, executing. The 'proceeding of the commonwealths of *Switzerland* 'and *Holland* is of a like nature, though after a 'more obſcure manner: for the ſoverainties, whether 'cantons, provinces, or cities, which are the people, 'ſend their deputies commiſſioned and inſtructed by 'themſelves (wherein they reſerve the reſult in their 'own power) to the provincial or general conven-'tion or ſenate, when the deputies debate, but have 'no other power of reſult than what was conferred 'upon them by the people, or is farther conferred 'by the ſame upon farther occaſion. And for the 'executive part they have magiſtrates or judges in 'every canton, province, or city, beſides thoſe which 'are more public and relate to the league, as for 'adjuſting controverſies between one canton, pro-'vince, or city, and another; or the like between 'ſuch perſons as are not of the ſame canton, pro-'vince, or city.'

Thebes, in *Bœotia*, antiently a monarchy, was afterwards changed to a republic, and was a free or parliamentary government in the times of *Pelopidas* and *Epaminondas*, who raiſed it to great eminence among the ſtates of thoſe times, and at whoſe demiſe it ſunk again into its former *obſcurity* [a].

Carthage was undoubtedly a free, or parliamentary ſtate, without a king; though I do not know, that we have a particular account of its conſtitution from

[a] *Juſtin.* VIT. PELOP. et EPAMIN. *Plut.* in PELOP.

from any antient author, *Greek*, or *Latin*; for of the country itſelf we have not ſo much as the name of a writer. We read of their having a ſenate, and of a fatal diviſion among the people by the *Hannonian* faction, which ruined *Hannibal*'s ſchemes, and prevented his making a total conqueſt of *Rome* after the battle of *Cannæ* [a].

The *Roman* government down to *Julius Cæſar* was parliamentary. Their ſenate may be compared to our houſe of peers, as the ſenators ſat for life, and in their own right. And though the *Romans* had nothing of repreſentation comparable to our houſe of commons, ſuppoſing our houſe of commons incorrupt and independent; yet repreſentation, or giving the people their weight in government, was what they intended by their tribunes of the people, and by dividing the people into *curiæ*, *comitia*, tribes, &c. The *Roman* republic was but half-formed, and the formed part was the leaſt valuable. We read often of the tribunes ſending the conſuls to priſon; and, we find the ſenate depriving the tribunes of their office [b]. This ſhews the *Roman* republic to have been miſerably ill-balanced, when the ſenate was ſometimes above the tribunes, and the tribunes ſometimes above the conſuls. *Romulus* had originally divided the people into three tribes, and each of theſe into ten *curiæ*. He choſe one ſenator himſelf, and ordered each of the tribes, and *curiæ* to chooſe three, which amounted to 100 in all. None but patricians could be ſenators. Thus 99 of the 100 ſenators owed their ſeats to the people. When the 100 *Sabines* were added, they were all patricians,

[a] See the *Roman* Hiſtorians of that period.

[b] Ant. Univ. Hist. xiii. p. 143.

cians, and all chosen by the people. When *Tarquinius Priscus*, to ingratiate himself with the people at his accession, chose 100 senators out of their body; he ennobled them first. The number of the senators probably continued to be about 300 till the time of *Sylla*, 530 years from *Tarquinius Priscus*. *Sylla* probably increased the number (by bringing in men for his purpose) to above 400. But these additional senators were still chosen by the people. *Cæsar*, to strengthen his party, increased the senate to 900, introducing all sorts of men, as new-made citizens, half-barbarous *Gauls*, soldiers, and sons of freed-men. It would be ridiculous to think of the people's having any hand in this transaction. For in *Cæsar*'s time the army ruled all. And lastly the triumvirs increased the senate to above 1000. In the imperial times it is of no consequence what the number of the senate was; because all power was then engrossed by the emperors, and the senate was an empty name; that mighty senate, of which *Cineas*, *Pyrrhus*'s embassador, said, it seemed to him an assembly of kings; that senate, which was for ages the scourge of tyrants, was then become a mere *ergastulum* of slaves, the drudges, the flatterers, and supporters of tyrants.

After *Coriolanus*'s time, *A. U. C.* 263, the plebeians became eligible, without being ennobled, into the senate. And those magistrates, who were called *curule*, had the privilege, during a certain time, of giving their votes in the senate, though they were not senators.

The *Roman* senators voted either by a general Aye or No, sitting in their places, or by separately declaring each his *sententia*, as the *censors* called their names; or by dividing, those for the question going to one side

of

of the houſe, and thoſe againſt it to the other, which they called, *ire pedibus in ſententiam tuam*, &c. and thoſe ſenators, who only divided, without giving their reaſons, were called *ſenatores pedarii* [a].

The *Roman* republic was indeed never finiſhed. For the caprice of the multitude was left to operate at random. So that every popular demagogue had it in his power to ſpirit up the multitude to whatever pitch of madneſs might ſuit his ambitious, or intereſted views. Nor was the general ſenſe of the *Roman* people known by the fluctuating violence of the mob of the capital, who were often deceived, and often influenced, by largeſſes of corn, or by ſhews of gladiators; but who had more weight in the government, than the conſuls, ſenate, and all the citizens of *Italy* and the other *Roman* dominions. The error conſiſted in the want of a regular ſubdiviſion, and repreſentation of the people. The body of the people of property ought to have in their own hands the government of themſelves. But the multitude in one great and debauched city ought not to be conſidered as the body of the people. The tribunitial power was too great. The appeals to the people at large, and their voting at large, was what firſt opened a door for the conteſts of *Sylla* and *Marius*, and of *Cæſar* and *Pompey*, which overſet liberty.

The great error in the *Roman* republic was, That the people, or plebeians were not repreſented, but voted in a collective body; which occaſioned continual tumult and confuſion. They aſſembled in innumerable multitudes, and forced their tribunes upon what-

[a] *Dion. Halic. Dion. Caſſ. Liv. Appian, Vell. Paterc. Sueton. paſſ.*

whatever their licentious fancy dictated. They had no reading; conſequently were very ignorant; and often choſe the worſt meaſure, when the ſenators, if left to themſelves, would have choſen much better for them.

The *Gauls* to *Pharamond*'s time, who died *A. D.* 428, managed all affairs in the aſſembly of the people, where they ſet up and dethroned their kings at their pleaſure.

The power of the *French* kings was antiently reſtrained within very narrow limits. Liberty was the ſame in *France*, as in all the *Gothic* ſtates. The power was in the aſſembly of the ſtates. The frequent calling of general aſſemblies was thought inconvenient. Therefore they had ſtanding committees, which gave riſe to the parliaments of *France*. The parliament of *Paris* firſt attended the king, then was fixed to *Paris*, for convenience. They formerly judged the peers and great men of the kingdom, over whom the king had no power, becauſe they were to be tried by their peers. All the great officers of ſtate took their oaths in parliament; not bound perſonally to the king, but in his political capacity. Laws had no force, unleſs they regiſtered them. The efficiency of all thoſe checks is now loſt. No aſſembly of the ſtates now heard of. Parliaments are only the ſhadow of what they were. Their tyrant has the liberties of the ſubject entirely at his mercy; impriſons whom he pleaſes; ſets up what judges he pleaſes, to try whom he pleaſes, and convict them of what crime he pleaſes. The great officers take the oaths to him, and are reſponſible to him, and not at all, as formerly, to the people. This is the work of *Richelieu* [a].

Advices

[a] Mod. Univ. Hist. xliii. p. 413.

Advices from *France*, *Jan.* 1773, ſignify, that the princes of the blood have yielded to the court, and that the parliaments of *France* will be aboliſhed to the very *name:* the *thing* has long been loſt. This abolition has accordingly taken place ſince.

The three eſtates of *France*, in their times of freedom, were, 1. The clergy (they will always be uppermoſt.) 2. The nobility. 3. The deputies of the provinces.

According to the original ſyſtem of the *Franks*, every free ſubject was entituled to ſome ſhare in government, either in perſon, or by repreſentation [a].

Frequent conventions of the ſtates of *Denmark*, when that country was free, were a fundamental article of the *Daniſh* conſtitution. They conſulted concerning matters of government, laws, peace and war, taxes, and promotions to offices [b].

The *Swediſh* government has always been upon a parliamentary, or free plan. In that country, till the revolution in 1772, four eſtates made the laws, *viz.* 1000 nobleſſe, 100 eccleſiaſtics (juſt 100 *too many)* 150 citizens, and about 250 peaſants [c]. They had no nobility before *A. D.* 1560. *Voltaire* obſerves, that *Charles* XI. was the firſt abſolute prince in *Sweden*, and *Charles* XII. his grandſon, the laſt.

'In *Sweden*, the ſupreme power is veſted, not in 'the king, but the ſenate, which is no other than a 'committee of twelve choſen out of the eſtates, or 'parliament of the kingdom, to controul the king in 'all actions, which they diſlike [d].

'The

[a] Mod. Univ. Hist. xxiii. 396.
[b] Ibid. xxxii. 18.
[c] *Volt.* Ess. sur l'Hist. iv. 241.
[d] *Clutterbuck*'s Speech, *Tind.* Contin. viii. 215.

'The *Bologneſe*, *A. D.* 1200, had lively ideas of 'the *Roman* republic. They had conſuls, whoſe 'powers were like thoſe of *Rome*; and many inferior 'magiſtrates, whom they ſeldom ſuffered to continue 'in power above a year [a].' In a time of public danger they continued them ſeveral years, if they thought them wiſe and faithful [b].

Marſeilles, like *Holland*, was a free republic planted by a ſet of brave people flying from ſlavery [c].

Grotius [d] celebrates the *Dutch*, for that, like the antient *Romans*, they have always been againſt kingly government. That in the times of *Cæſar*, the commands of the people had as much power over the *principes*, or elected chiefs, as theirs over the people, *Non minus in ipſos juris*, &c. [e] *Grotius* quotes *Tacitus* [f], who obſerves, that all the *Germans* were for liberty, and that by liberty the *Romans* meant republican government, is evident from *Tacitus*'s expreſſion, '*Urbem Romam a principio*, &c. *Rome* was originally 'under *kingly* government. *Liberty*' (in oppoſition to *monarchy*) 'and the conſular power were eſta-'bliſhed by *Brutus*;' and from *Lucan* [g], '*Liber-'tas ultra Tanaim*, &c. Liberty' (after the deciſive battle) 'fled beyond the *Don* and the *Rhine*;' and 'what is now poſſeſſed by the *German* and *Scythian*, ſo 'often obtained at the expence of our blood, is denied 'to us.'

The *Spaniſh* cortes were much the ſame as our parliaments, compoſed of prelates, maſters of the military

[a] Mod. Univ. Hist. xxxvii. 3. [b] Ibid. 14.
[c] *Ubb.* Emm. ii. 285.
[d] De Antiqu. Reip. Batav. cap. ii.
[e] *Cæſ.* Bell. Gall. v. [f] De Morib. Germ.
[g] Phars. vii.

orders, nobles, and repreſentatives ſent from the cities, and towns (no mention of counties). No act could paſs unleſs they were *unanimous* as our juries. And the acts muſt be confirmed by the king. They were aſſembled by ſummons from the king and privy council, and diſſolved by order of the preſident of the council. But a committee of eight fat ſtill. They have been rarely called ſince 1647. Their laſt ſitting was in 1713. They were laid aſide by *Charles* V. becauſe they would grant no money, and becauſe he found he could raiſe money without them. The *Viſigoths* governed in *Spain* about 350 years, terminating about *A. D.* 700. During that period, *Spain* was very reſpectable. Her government was free; her church more pure than others, from popiſh ſuperſtition, rejecting the pope's ſupremacy. Her monarchs, elective and limited, as in almoſt all the *Gothic* ſtates, commanded the army, called general councils, propoſed the ſubjects to be conſidered, gave their ſanction to laws, gave out edicts merely executive, coined money, gave employments, conferred honours; but all under correction of the general council, who could ſet aſide any of the king's acts [a]. All the northern nations had ſuch a mixed form of government, in which no money could be raiſed, nor laws made, or repealed, but with their conſent. *Spain* is now under abſolute government, occaſioned by the timidity of the *Caſtilians*, who finally gave up the cauſe of liberty on a defeat in war, between them and *Charles* V. which laſted only two years (the *Dutch* fought for liberty 70 years). *Charles* told the cortes, he wanted them to grant him ſupplies firſt, and then he would

[a] Mod. Univ. Hist. xix. 480, 482, 484, 486.

would pass their bills. The wretched *Castilians* gave up the point, and voted their tyrant, whom they ought to have destroyed, almost half a million sterling. Such is the *inertia* of mankind [a].

The cortes of *Portugal* have long since sold to the crown their part in the legislature. Their government, which was once free and parliamentary, is now unmixed despotism, and their cortes like the parliaments of *France* [b]. The ceremony of giving *Don Alonzo* I. of *Portugal* the kingdom, by the public approbation of the people, *A. D.* 1140, exhibited a glorious spirit in both king and people [c].

The *Helvetic* confederacy is the most considerable republican or parliamentary government, after the *Venetian* [d]. The *Swiss* cantons are not, properly speaking, a republic, but an union of several republics. But they have a common assembly, in which all matters interesting to the whole community are debated; whatever is there determined by the majority, binds the whole; they all agree in making peace, and declaring war; and the laws and customs, which prevail throughout the *Swiss* cantons, are (excepting the difference in religion between the protestant and popish provinces) nearly the same [e]. There are, indeed, some differences both in constitution and administration. But so are there differences between the three kingdoms, and the numerous colonies, which compose the *British* dominion; nay there are differences between the customs in the several counties of *England*. All this shews, contrary to a common preju-

[a] Mod. Univ. Hist. xliii. 365.
[b] Ibid. 389. [c] Ibid. xxii. 25.
[d] *Simleri*, Helv. Descr. p. 25. [e] Ibid. 27.

dice, that the largeſt dominions, as well as the ſmalleſt, may be adminiſtred in the republican form with as much ſucceſs as in the monarchical. The *Roman* republic took in a much greater extent of dominion than many modern kingdoms put together; and was, with all its imperfections, as well adminiſtered, to ſay the leaſt, as moſt monarchies have been. But this is matter of ſpeculation merely.

The diet of *Poland* is conſtitutionally compoſed of king, ſenate, biſhops, and deputies of the landholders of every palatinate. Every owner of three acres of land has a vote for a member. And the majority carries every point. But in the general diet, unanimity is neceſſary. Every palatinate (without regard to the towns in it) ſends three members. The indigent gentry are always directed by ſome perſon of ſuperior fortune, influence, or ability. The diet of *Poland* conſiſts of an upper and lower houſe. The upper houſe contains the ſenate, the ſuperior clergy, and the great officers; the lower the repreſentatives of the palatinates [a]. An edict by king *Jagellon*, who reigned in the 16th century, found contrary to his coronation oath, was hewn in pieces before his face by the *Poliſh* ſabres [b]. The *Poliſh* nobility will not give up the privilege of electing their kings, though they always elect the hereditary ſucceſſor [c]. By this they impreſs their kings with the idea of obligation to their ſubjects; and at the ſame time, the heir to the crown is properly educated.

When

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[a] Mod. Univ. Hist. xxxiv. 10. [b] Ibid. 523.
[c] *Staniſl. Krziſtanowic*, Polon. Descr. p. 27.

When liberty began to dawn (ſays *Voltaire*) [a] about *A. D.* 1300, the ſtates general of *France*, the parliament of *England*, the ſtates of *Arragon* and *Hungary*, and the diets of the *German* empire were all nearly on the ſame foot, as to the privileges and conſequence of the third eſtate. [We have ſeen ſome difference ariſe ſince the above period. Let *Britain* take care, leſt ſhe come into the condition, into which thoſe ſtates are fallen.]

France (ſays the ſame author) [b] was once governed as *England* is now. The kings aſſembled the ſtates. In the year 1355, they made their king *John* ſign a charter much like the *Magna Charta* of *England*.

There was ſcarce an abſolute prince in *Europe*, about the 13th century. But the nobles were tyrants, and the feudal tenures univerſal [c]. In ſhort, to uſe the words of the great *Alg. Sidney* [d], 'In *Germany*, 'France, *Spain*, *Sweden*, *Denmark*, *Poland*, *Hungary*, 'Bohemia, *Scotland*, *England*, and generally all the 'nations, that have lived under the gothic polity, this 'ſupreme power has been in their general aſſemblies 'under the name of diets, cortes, ſenates, parliaments, &c.

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[a] Ess. sur. l'Hist. ii. 189. [b] Ibid. 128.
[c] Mod. Univ. Hist. xliii. 521.
[d] On Gov. p. 378.

BOOK II.

Of Parliaments.

CHAP. I.

Parliaments irregular and deficient, 1, *By Eſtabliſhment*. 2, *By Abuſe*. *By Eſtabliſhment they are an inadequate Repreſentation of the People, and their Period is too long*. *By Abuſe they are corrupt*.

PArliaments in *England* have been of very fluctuating importance in different ages. It was long before they got to what might be called a bearing. And even now, there is in them infinitely more wrong than right, as will too manifeſtly appear by what follows.

Parliaments are irregular and deficient, 1, by eſtabliſhment; and 2, by abuſe. When I diſtinguiſh between the irregularities and deficiencies in our parliaments by eſtabliſhment, and by abuſe, I mean by the former ſuch irregularities and deficiencies as are known and avowed, as their too great length, their being an inadequate repreſentation, &c. By the latter, I mean thoſe which have inſenſibly crept in, and prevail through connivance, as corruption at elections, and in the houſe, &c.

It is juſtly remarked by Mr. *Hume*, That whatever, in government, is publicly allowed at any particular

period, may be ſaid to be conſtitutional at that period, eſpecially (it may be added) if it has been regularly and openly introduced and eſtabliſhed by approbation of the majority of thoſe, who have the power of eſtabliſhing it.

The lengthening of parliaments from annual to triennial, and from triennial to ſeptennial, is undoubtedly an *abuſe* (of which more hereafter) but being avowedly effected at firſt, and allowed ſince, this abuſe becomes conſtitutional.

But the buying of boroughs, and of votes in the houſe of commons, was never fairly eſtabliſhed, nor openly avowed as a regular proceeding, and is therefore a mere abuſe, and not a conſtitutional error.

Almoſt all political eſtabliſhments have been the creatures of chance rather than of wiſdom. There are few inſtances of a people forming for themſelves a conſtitution from the foundation. Therefore it is impoſſible to ſay what would be the effect of a perfect commonwealth; there being no example of ſuch a phænomenon. The common courſe of thoſe matters has been, that either a people have emigrated from an old eſtabliſhed government, and have wrought into their new ſyſtem of politics the errors and deficiencies, which had crept into the old; or a few wiſe and good men have undertaken to repair and patch up a crazy conſtitution; and then, like *Solon*, they found themſelves obliged to be content with as good a conſtitution as the people would bear, inſtead of ſuch an one as a wiſe legiſlator could frame. And in eſtabliſhing this conſtitution, they have been obliged to yield to the violence of party, and the blindneſs of prejudice, and to ſuffer various particulars to be eſtabliſhed contrary to their own better judgment. So that the

machine of government being pushed one way by one party, and the contrary by another, is at last pushed into a bog, or set on the edge of a precipice, and left out of the perpendicular, like the hanging tower of *Pisa*, to be propped and shored up by posterity. This is in part the case of our own constitution, especially with respect to the *commons* house of parliament. If there be in a ship at sea ten leaks, to stop nine of them will not put the crew in a state of safety; though they must perhaps be stopped one after another, they must *all* be stopped, else the consequence is obvious;

Accipient inimicum imbrem, &c. VIRG.

There are several frightful leaks in the great vessel of the *British* state, which, if they be not *all* stopped, must sink it.

The grievances requiring redress, which respect parliament, are chiefly these: 1. By establishment they are in no respect a representation of the property of the people. 2. Their period is, likewise by establishment, of an enormous length. 3. They are, by abuse, corrupt, or fallen under an undue influence both as to the election of members, and their voting in the house.

CHAP. II.

Inadequate Representation, its Disadvantages.

WHEN our ancestors first proposed government by representation, it is certain, they intended *adequate* representation; for no other deserves the name, or answers the end.

'Every

'Every *Engliſhman* (ſays Sir *Thomas Smith*[a]) is 'intended to be preſent in parliament, either in per-'ſon, or by procuration and atturney, of what pre-'eminence, ſtate, dignity, or quality ſoever he be, 'from the prince to the loweſt perſon of *England*. 'And the conſent of the parliament is taken to be 'every man's conſent.'

'In a free ſtate (ſays judge *Blackſtone*[b]) every man, 'who is ſuppoſed a free agent' (that is, not, through poverty, abſolutely dependent on the will of another) 'ought to be, in ſome meaſure, his own governor, 'and therefore a branch, at leaſt, of the legiſlative 'power ought to reſide in the whole body of the 'people.'

It is evident, that inadequate repreſentation in parliament is utterly inconſiſtent with the idea of *free* government. For a people governed contrary to their inclination, or by perſons, to whom they have given no commiſſion for that purpoſe, are, in the propereſt ſenſe of the phraſe, *an enſlaved people*, if ever there was an enſlaved people.

'*Il eſt eſſentiel de fixer*, &c. It is neceſſary' (ſays the excellent *Monteſquieu*[c]) 'to fix the number of citi-'zens who are to vote; otherwiſe it is uncertain 'whether the people, or only a part of the people, 'have given their ſenſe.' (We know full well, that it is but a very ſmall part of the people of *England* whoſe votes fill the houſe of repreſentatives, and that the votes of both electors and members are moſt barefacedly influenced.) 'At *Sparta*, the ſenſe of the people was 'collected from a ſuffrage of 10,000. At *Rome*, this 'was

[a] Com. Wealth of Eng. 37.
[b] *Blackſt.* Comm. i. 158.
[c] *Monteſq.* L'espr. des loix, i. 13.

'was neglected; which was one great cauſe of its 'ruin.'

To compare great things with ſmall, could the *Eaſt India* company be ſaid to be eſtabliſhed on a proper foot, if 100 proprietors, whoſe ſtock amounted in all to 5,000 *l.* had the power of chooſing the court of directors againſt the votes of 5000 proprietors, whoſe ſtock was worth 5,000,000 *l.* and if the court of directors, when choſen, poſſeſſed abſolute power without appeal, and thought themſelves reſponſible to no ſet of men upon earth? Or if a friendly ſociety conſiſting of 100 members found that the whole power of the ſociety was engroſſed by 3 members; and that the others could obtain nothing they wanted, or in the manner they wiſhed to have it; could this ſociety be, with any ſhadow of propriety, called free? That parliamentary repreſentation on its preſent foot, is as inconſiſtent with liberty, will appear but too clearly in the ſequel.

That a *part* of the people, a *ſmall* part of the people, and the moſt needy and *dependent* part of the people, ſhould engroſs the power of electing legiſlators, and deprive the majority, and the independent part of the people of their right, which is, to chooſe legiſlators for themſelves and the minority and dependent part of the people, is the groſſeſt injuſtice that can be imagined.

Every government, to have a reaſonable expectation of permanency, ought to be founded in *truth*, *juſtice*, and the *reaſon* of things. Our admirable conſtitution, the envy of *Europe*, is founded in *injuſtice*. Eight hundred individuals rule all, themſelves accountable to none. Of theſe about 300 are *born* rulers, whether

whether qualified or not. Of the others, a great many are *ſaid* to be elected by a handful of beggars inſtead of the number and property, who have the right to be the electors. And of theſe pretended electors, the greateſt part are *obliged* to chooſe the perſon nominated by ſome lord, or by the miniſter. Inſtead of the power's returning annually into the hands of the people, or, to ſpeak properly of the boroughs, the lengthening of parliament to ſeptennial, has deprived them of ſix parts in ſeven of their power; and if the power returned annually, as it ought, *all the people* would ſtill have reaſon to complain, but the *handful*, who vote the members into the houſe.

In conſequence of the inadequate ſtate of repreſentation, the ſenſe of the people may be groſly miſapprehended, or miſrepreſented, and it may turn out to be of very little conſequence, that members were willing to obey the inſtructions of their conſtituents; becauſe that would not be obeying the general ſenſe of the people. For the people are not their conſtituents. The people of *England* are the innumerable multitude which fills, like one continued city, a great part of *Middleſex*, *Kent* and *Surry*; the countleſs inhabitants of the vaſt ridings of *Yorkſhire*, the multitudes, who ſwarm in the cities and great towns of *Briſtol*, *Liverpool*, *Mancheſter*, *Birmingham*, *Ely*, and others; ſome of which places have no repreſentatives at all, and the reſt are unequally repreſented. Theſe places comprehend the greateſt part of the people. Whereas the inſtructions would be ſent from the hungry boroughs of *Cornwal*, *Devonſhire*, &c. In ſhort, the ſenſe of the conſtituents would be, at beſt, only the ſenſe of a few thouſands; whereas it ought to be that of ſeveral hundreds

dreds of thouſands, as will be very clearly made out by and by.

'Neither in *Scotland* nor *England* (ſays *Rapin* [a]) are 'the reſolutions of parliament to be always conſidered 'as the ſenſe of the nation. It is a defect of the 'conſtitution of both houſes, that the members of 'parliament receive no inſtructions from their electors. 'The moment they are met, they become maſters 'and ſovereigns of thoſe by whom they are choſen, 'and palm upon the nation their own deciſions for 'thoſe of the public, though they are often contrary 'to the ſentiments and intereſts of the people they 'repreſent. Inſtances are ſo frequent, that I need 'not ſtay to prove what I advance.' 'It muſt not be imagined (ſays he [b]) that then,' (in the times of *Henry* VIII.) 'any more than at this day, whatever 'the parliament did was agreeable to the general 'opinion of the nation. The repreſentative was 'choſen as at preſent, without any inſtruction con-'cerning the points to be debated in parliament, 'nay without the people's knowing any thing of 'them. Thus the houſe of commons had, as I 'may ſay, an unlimited power to determine by a 'majority of votes, with the concurrence of the lords 'and aſſent of the king, what they deemed proper 'for the welfare of the kingdom.' [In our times (the preſent always excepted) what they deem proper for the welfare of the junto.] 'There was no neceſſity 'therefore, in order to obtain what the court deſired, 'of having the conſent of the people, but only the 'majority of voices in both houſes. Hence it is eaſy 'to conceive, that the court uſed all imaginable means 'to cauſe ſuch members to be elected, as were in 'their

[a] *Rapin*, II. 583. [b] Ibid. II. 9.

'their ſentiments. This is now, and ever will be 'practiſed, till ſome cure is found for this inconve-'nience. I call it an inconvenience, becauſe it hap-'pens ſometimes that the parliament paſſes acts con-'trary to the general opinion of the nation.'

Under a whig miniſtry (ſays the ſame author [a]) we ſee a whig parliament choſen, under a tory miniſtry a tory parliament. 'It has frequently happened, that the 'reſolutions of the lower houſe have been directly con-'trary to the ſentiments of the people, whom they 'repreſented. So it is not the people, or commons of '*England* that ſhare the legiſlative power with the king 'and peers; but the repreſentatives, who enjoy a pri-'vilege, which belongs only to the people in gene-'ral, to whom however they are not accountable for 'their conduct. All they can ſuffer, if they have 'acted in parliament contrary to the ſenſe of their 'county, or borough, is not to be elected again [b].'

Parliament under *Henry* VIII. confirmed the demo-lition of the papal power over *England*, and the diſ-ſolution of the religious houſes; under *Edward* VI. demoliſhed popery; under *Mary*, ſet it up again; under *Elizabeth*, overthrew it a ſecond time. So we have ſeen parliament ſtamp the *Americans*, then unſtamp them, and then tax them in a new manner. Parli-ament has not, in theſe ſudden doings and undoings, followed the ſenſe of the people. The unſteady peo-ple are not ſo unſteady as this comes to. In former times, parliament was too much overawed by the authority of *kings:* in latter times, too much ſwayed by *miniſterial* influence; and all this in conſequence of its being in no reſpect a juſt and accountable repre-ſentative of the people.

'In

[a] *Rapin*, II. 806. [b] Ibid.

'In former ages' (says Mr. *Cornwal*[a]; in the house, *A. D.* 1685.) 'the complexion of this house 'might have been depended on as a true representa- 'tion of the inclinations of the *people*; but by what- 'ever magic art it has been brought about, the case 'is now directly contrary. The complexion of this 'assembly is always the same with that of our *mini-* 'sters. We adopt all their measures. We applaud 'every step of their conduct. We are angry with 'those they happen to be angry with. We enquire 'when they set us on; and we stop when they say, You 'have gone far enough. Sir, we have had for many 'years past a course of most excellent ministers, or this 'house has by some magic art been rendered blind 'to their failings. I say some magic art, for if by 'any art we have been rendered remiss in our duty, 'it must have been by some art of the Devil permitted 'by God Almighty for the punishment of our sins; 'and if so, I hope he will dispel the enchantment, 'before we have blindly run ourselves into irrecover- 'able perdition.'

The nation in general disapproved of the proceed- ings of the tory commons, *A. D.* 1701, and the justices of peace, grand jury, freeholders, &c. of *Kent* presented a petition, lamenting the divisions in the kingdom, and the reflexions cast upon the king (by the commons) recommending union, attention to the sense of the people, supplies, &c. The house votes it scandalous, insolent, seditious, tending to destroy the constitution of parliament, and to subvert the established government of these realms. They ordered the gentlemen, who presented it, to be taken into

[a] *Alm.* Deb. Com. II. 192.

into cuſtody. One eſcaped. It was apprehended that force would be uſed to reſcue the others. The houſe orders them to the gatehouſe, and addreſſes the king to iſſue his proclamation for apprehending *Colepepper* again, and for putting out of the commiſſion of the peace and lieutenancy ſuch of the petitioners as were in them. Then the legion letter was ſent to the ſpeaker, which begun thus, 'Gentlemen, it were to 'be wiſhed you were men of that temper, and poſ-'ſeſſed of ſo much honour, as to bear with the truth, 'though it be againſt you, eſpecially from us, who 'have ſo much right to tell it to you: But ſince 'even petitions to you from your maſters (for ſuch 'are the people who chuſe you) are ſo haughtily 'received as with the committing the authors to ille-'gal cuſtody; you muſt give us leave to give you 'this fair notice of your miſbehaviour. If you think 'fit to rectify your errors, you will do well, and 'poſſibly may hear no more of us; but if not, aſſure 'yourſelves the nation will not long hide their reſent-'ments. And though there are no ſtated proceed-'ings to bring you to your duty, yet the great law 'of reaſon ſays, and all nations allow, that whatever 'power is above law, is burdenſome and tyrannical, 'and may be reduced by extra-judicial methods. You 'are not above the people's reſentment; they that 'made you members may reduce you to the ſame 'rank from whence they choſe you, and may give you 'a taſte of their abuſed kindneſs in terms you may 'not be pleaſed with, &c.[a]'

The impriſoning of the *Kentiſh* petitioners was afterwards condemned in parliament. Yet the com-

mons

[a] DEB. COM. III. 142. *Burn.* HIST. OWN TIMES, III. 381.

mons condemned the petition itself, and resolved, that to assert, that the house of commons is not the only representative of the commons of *England*, or that the commons have no power of commitment, but over their own members, or to reflect on the proceedings of the house, or of any member in the house, are high violations of the privileges of the house of commons [a]. All this is the heighth of despotism, and is indeed inconsistent with itself.

Queen *Anne*, in her answer to the parliament's address, *A. D.* 1714, says, She esteems the address and approbation of the peace of *Utrecht*, the undoubted voice of her *people*. But the lords in their first address to *George* I. say, 'It was by no means to be imputed 'to the *nation* in general.' And the commons in less than a year afterwards, said, 'As that dishonour 'cannot in justice be imputed to the whole *nation*, &c.' All this shews that a parliament may have one interest, and the nation another. This could not be, if parliaments were really what it is pretended they are [b].

'The treaty of *Utrecht*' (says the duke of *Argyle* [c], in the house of peers, *A. D.* 1739) 'was approved of 'by a majority in both houses of parliament. I remember, I then disapproved of it, and gave my sentiments very freely in this house against it; and I 'remember the reward I met with for so doing. That 'very treaty was in a following parliament, so highly 'disapproved of, that some of those who had the chief 'hand in making it, were punished by parliament; 'and others had perhaps been more severely punished 'if they had not fled from justice. This my lords, 'may perhaps be the fate of the convention in some 'future

[a] *Tind.* CONTIN. I. 503. [b] Ibid. II. 356.
[c] DEB. LORDS, VI. 332.

'future parliament, though the father of it ſeems now 'extremely fond of his child: for I cannot but look 'upon his majeſty's ſpeech and the addreſs now pro- 'poſed as a ſecond approbation of that convention. 'I muſt think them deſigned as a new triumph over 'thoſe that oppoſed it, which can give no great joy 'to the nation, whatever it may do to the father of 'the convention; and therefore I wiſh that in order 'to make his country rejoice as well as himſelf, he 'would hereafter take as much care to triumph over 'thoſe that oppoſe it.'

When the bill for ſearching houſes in queſt of ſailors was before the commons, *A. D.* 1739, it was found to be very unpopular, and the people of *Glocester-ſhire* petitioned againſt it in a very high ſtyle, 'That it would, as the petitioners apprehend, impoſe 'hardſhips upon the people too heavy to be borne, and 'excite diſcontents in the minds of his majeſty's ſub- 'jects; would ſubvert all the rights and privileges of 'a *Briton*, and overturn *Magna Charta* itſelf, the baſis 'on which they are built; and by theſe means deſtroy 'that very liberty, for the preſervation of which the 'preſent royal family was eſtabliſhed upon the throne 'of *Great Britain*; for which reaſons ſuch a law could 'never be obeyed, or much blood would be ſhed in 'conſequence of it.' The houſe took ſuch offence at this petition, that they voted, 196 to 144, it ſhould not lie upon their table [a].

Hear Mr. *Pitt* on this ſubject, *A. D.* 1741. 'The 'misfortune is, that gentlemen who are in office 'ſeldom converſe with any but ſuch as are in office, 'and ſuch men, let them think what they will,

[a] Deb. Lords, vi. 289.

'always applaud the conduct of their ſuperiors; conſequently, gentlemen who are in the adminiſtration, 'or in any office under it, can rarely know what is 'the voice of the people. The voice of this houſe 'was formerly, I ſhall grant, and always ought to 'be the voice of the people. If new parliaments were 'more frequent, and few placemen and no penſioners 'admitted, it would be ſo ſtill; but if long parliaments 'be continued, and a corrupt influence ſhould pre-'vail, not only at elections, but in this houſe, the 'voice of the houſe will generally be very different, 'nay often directly contrary to the voice of the people[a].' So that gentleman thought 30 years ago, and to the ſame purpoſe, a few years ſince, on the ſtamp-act, he charged the houſe of commons with an unlimited compliance with the demands of the miniſtry.

In the caſe of *Aſhby* and *White*, the reſolutions of the commons were directly contrary to the ſenſe of the people. The people's univerſal opinion was, that the commons took too much upon them; and that any perſon may, and ought to appeal to the courts of juſtice and the law of the land, when he thinks himſelf deprived of his right as an elector; the reſolutions of a houſe of commons being unſteady and vague, while the law of the land is notorious and permanent. Of which more hereafter.

We have, in our own times, ſeen a moſt remarkable inſtance of diſagreement between the ſenſe of the people, and that of parliament. We have ſeen parliament repeatedly expel Mr. *Wilkes*. And we have ſeen the people ſo highly offended at this proceeding, that

[a] Deb. Com. xiii. 172.

that 60,000 of them have petitioned the king to diſſolve this parliament. In conſequence of which numerous petitions, it was to be expected, that ſome notice would be taken in the king's, that is the miniſter's ſpeech, next enſuing. Inſtead of which (ſo low, is the people's importance ſunk, and ſo little regard ſhewn to their opinion) the laughter of all *Europe* was excited by a few frivolous paragraphs about a pretended ſickneſs among the horned cattle, of which no body had heard any thing before as then exiſting in *England*, nor has any one ſince. It was moved in the houſe of commons, that, in their addreſs, in anſwer to the above profound ſpeech, the houſe ſhould declare their intention of enquiring into the cauſes of the preſent diſcontents. Several of the courtly members gravely denied that there was any diſcontent in the kingdom, though they knew that 60,000 had ſubſcribed petitions for a diſſolution of parliament. They might have argued more plauſibly, that there was no parliament then exiſting. For it will appear preſently, that a tenth part of the above number ſends in the majority of the houſe. And if the voluntary petition of 60,000 deſerves no regard, ſurely the bought votes of 5000 ought to go for nothing. Others of the oppoſers of the motion ſaid, The affair did not come regularly before them; as if they had declared, that the houſe of commons, the grand inqueſt of the nation, the repreſentatives of the people of *England*, are not obliged to enquire into a matter of ſuch conſequence in the opinion of the people, that 60,000 of them had thought it neceſſary to complain to the ſovereign; or as if they ſo wholly diſregarded the opinion of ten times the number of the electors of the majority of their houſe, concerning their own condition, that they did not think it worth while to enquire what

had ſo grievouſly offended ſo great a number of their conſtituents, as to provoke them to the unuſual meaſure of petitioning the king for their diſſolution. Others of the courtly gentlemen, in imitation of *Walpole*, ſaid, the petitioners were baſe-born. But ſurely they could not be more baſe-born, than the beggars, who ſend in the majority of the houſe of commons.

The miniſterial party, however, carried it againſt the motion [a].

CHAP. III.

What would be adequate Parliamentary Repreſentation.

FIVE millions, according to the eſtimate of my incomparable friend Dr. *Price*, and our beſt modern calculators, is neareſt to the true number of the people of *England*. The males between 16 and 56 in 5 millions are 1,250,000, or a fourth part of the whole. As youth at 16 are of an age too immature to be capable of voting, ſo are many on the contrary capable of voting beyond the age of 56; and one may be ſuppoſed to make up for the other. It is commonly inſiſted on, that perſons in ſervitude to others, and thoſe who receive alms, ought not to be admitted to vote for members of parliament, becauſe it is ſuppoſed, that their votes will be influenced by thoſe, on whom they depend.

But the objection from influence would fall to the ground, if the ſtate were on a right foot, and parliament

[a] See LOND. MAG. 1770, p. 32.

ament free from court-influence. Suppoſing half the conſtitution in diſorder, it is not eaſy to determine what would be beſt for the other half. My purpoſe is, to point out *all* the defects. And if the people will correct *all* I ſhall point out, I will then anſwer, that all ſhall go well; but not if they amend by *halves*. —To return,—

Every man has what may be called property, and unalienable property. Every man has a life, a perſonal liberty, a character, a right to his earnings, a right to a religious profeſſion and worſhip according to his conſcience, &c. and many men, who are in a ſtate of dependence upon others, and who receive charity, have wives and children, in whom they have a right. Thus the poor are in danger of being injured by the government in a variety of ways. But, according to the commonly received doctrine, that ſervants, and thoſe who receive alms, have no right to vote for members of parliament, an immenſe multitude of the people are utterly deprived of all power in determining who ſhall be the protectors of their lives, their perſonal liberty, their little property (which though ſingly conſidered is of ſmall value, yet is upon the whole a very great object) and the chaſtity of their wives and daughters, &c. What is particularly hard upon the poor in this caſe is, that though they have no ſhare in determining who ſhall be the lawgivers of their country, they have a very heavy ſhare in raiſing the taxes which ſupport government. The taxes on malt, on beer, leather, ſoap, candles, and other articles, which are paid chiefly by the poor, who are allowed *no votes* for members of parliament, amount to as much as a heavy land-tax. The landed intereſt would complain grievouſly, if they had no power of electing repreſenta-

tives. And it is an eſtabliſhed maxim in free ſtates, that whoever contributes to the expences of government ought to be ſatisfied concerning the application of the money contributed by them; conſequently ought to have a ſhare in electing thoſe, who have the power of applying their money. Nor has the receiving of alms been always held a ſufficient reaſon for refuſing the privilege of voting, as appears by the following; 'Reſolved, *A. D.* 1690, That the free men 'of the port of *Sandwich*, inhabiting within the ſaid 'borough, (although they receive *alms*) have a right 'to vote in electing barons to ſerve in parliament [a].' Query, Whether there be not other inſtances of perſons receiving alms, having a right to vote for members.

But, giving up the point, concerning the right of the poor to vote for members of parliament, the preſent ſtate of parliamentary repreſentation will ſtill appear to be inadequate beyond all proportion. Of the 1,250,000, the whole number of males in *England*, we may well ſuppoſe that at leaſt one third, or about 410,000 are houſekeepers, and independent on alms. Divide this number by 513, the number of members for *England*, the quotient is 799 and a fraction, the round number is 800, which ſhews, that no member of parliament ought to carry his election againſt a competitor by fewer than 401 votes, that being a majority of 800, who have the right of voting, excluſive of the poor and dependent. If we allow *them* the right or privilege of chooſing repreſentatives, which I ſee no argument againſt, the number will be much greater, viz. about 1200, a majority of which is 601.

Mr.

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[a] *Bohun*'s RIGHT OF ELECT. p. 257, from the JOURNAL OF THE HOUSE OF COM.

Mr. *Poſtlethwayte* reckons 639,000 taxable perſons in *England*, excluding *Wales*[a]. And every perſon, who pays tax, ought to have a vote. Calculators did formerly reckon above 6,000,000 of ſouls in *England* and *Wales*. And Dr. *Price* ſhews, that there is great reaſon to apprehend (with much concern I write it) that 'we have loſt a fourth part of our people.' Suppoſing *Poſtlethwayte*'s number of taxable perſons in *England* and *Wales* together to be 630,000; dividing this number by 513 ſhews, that no member ought to be voted into the houſe by fewer than the majority of 1200; for 1200 have a right, and 601 ought to be the ſmalleſt number of votes actually given to him who gains his election againſt a competitor. Or if we calculate by counties, the preſent ſtate of repreſentation will appear enormouſly abſurd. The moſt adequate plan for forming an aſſembly of repreſentatives, would be, for every county, including the cities, boroughs, cinque ports, or univerſities it happens to contain, to ſend in a proportion of the 513 anſwering to its contribution to the public expence. Were that the plan, we ſhould, in the ſame manner, ſee no member ſent into the houſe by fewer than ſeveral hundreds of voters. Of which hereafter.

CHAP. IV.

View of the preſent State of Parliamentary Repreſentation.

LET the reader judge for himſelf of the monſtrous irregularity of parliamentary repreſentation, from the following view of it by the learned and indefatigably

[a] BRIT. TRUE SYST. 313.

gably laborious *Brown Willis*, Esq; in his NOTIT. PARLIAM.

In the following extract, I have stated the *majority* as the only electors in each place; which they really are, the votes of the minority being *inefficient*. I have given to *Wallingford*, for instance, 76, the majority of 150 electors, which latter is the whole number of voters in that borough; so that no member for *Wallingford* can be elected by more than 76 *efficient* votes; and he, who has 76 votes, is as effectually elected as if he had the whole 150. And I have computed the number of votes, which elect the majority of the house, as the *majority* is the *same*, to all intents and purposes of legislation, with the whole 558, *nem. con.*

WALLINGFORD	sends 2 members chosen by	76, the majority of 150.
Agmondesham	2	66.
Wendover	2	81.
Marlow	2	76.
Leskeard	2	51.
Lestwithiel	2	13.
Truro	2	14.
Bodmin	2	19.
Helston	2	34.
Saltash	2	15.
Camelford	2	10.
Westlaw	2	40.
Grampound	2	5.
Carried over	26	500.

The right of election at *Grampound* is in the corporation of nine men, and burgesses made by them, which burgesses, therefore, are not to be accounted as free electors, being made for the purpose of the election. This is the case in other places, which I have not noted.

Brought over	26		500.
Eaſtlow	ſends 2 members choſen by		25.
Penryn	2		51.
Tregoney	2		51.
Boſſiney	2		11.
St. Ives	2		76.
Fawey	2		26.
St. Germains	2		26.
St. Michael	2		14.
Newport	2		31.
St. Mawes	2		16.
Kellington	2		51.
Cockermouth	2		101.
Totneſs	2		54.
Plimpton	2		101.
Honyton	2		101.
Taviſtock	2		56.
Aſhburton	2		101.
Clifton, Devonſhire	2		50.
Bereaſton	2		36.
Tiverton	2		14.
Pool, Dorſetſhire	2		51.
Lyme, ditto.	2		26.
Bridport	2		61.
Wareham	2		76.
Corfe-Caſtle	2		71.
Maldon, Eſſex	2		14.
Harwich	2		17.
Weobly, Herefordſh.	2		43.
Huntingdon	2		101.
Queenborough, Kent	2		36.
Newton, Lancaſhire	2		31.
Carried over	88		2019.

Brought over	88	2019.
Wigan	ſends 2 members choſen by	101.
Clitheroe	2	46.
Boſton, Lincolnſhire	2	101.
Grimſby	2	41.
Thetford, Norfolk	2	17.
Caſtle Riſing	2	16.
Brackley, Northampt.	2	17.
Higham Ferrers	2	51.
Morpeth, Northumberl.	2	101.
Eaſt Retford, Nottingh.	2	76.
Banbury, Oxfordſhire	2	10.
Wenlock Magna, Salop	2	51.
Biſhop's Caſtle	2	51.
Bath, Somerſetſhire	2	17.
Minehead	2	81.
Ilcheſter	2	61.
Melborne	2	26.
Wincheſter	2	51.
Southampton	2	51.
Yarmouth, Wight	2	26.
Petersfield	2	78.
Newport, Wight	2	13.
Stockbridge	2	26.
Newton, Wight	2	1.

The lord of this borough appoints a mayor and twelve burgeſſes, who chooſe the members.

Chriſtchurch, Hampſh.	2	7.

Here likewiſe the corporation of 13 make the burgeſſes as they pleaſe. Therefore the corporation only are to be reckoned the electors.

Carried over	138	3136.

Brought over	138		3136.
Lymington		sends 2 members chosen by	41.
Whitchurch	— 2 —		21.

The freeholders are the electors, who cannot be above 40, as there are but 100 houses in the town.

Andover	— 2 —	13.

Yet there are 600 houses in the town.

Dunwich	— 2 —	21.
Orford	— 2 —	41.
Aldborough	— 2 —	43.
Eye	— 2 —	101.
St. Edmondsbury	— 2 —	20.
Bletchingley, Surry	— 2 —	46.
Ryegate	— 2 —	101.
Gatton	— 2 —	11.
Haslemere	— 2 —	31.
Horsham	— 2 —	33.
Midhurst	— 2 —	56.
New Shoreham	— 2 —	36.
Bramber	— 2 —	8.

Willis says, there are not above 20 houses, and that the members are elected by the burgh-holders.

East Grinsted	— 2 —	19.
Arundel, Suffolk	— 2 —	54.
Appleby, Westmoreland	— 2 —	51.
New Sarum	— 2 —	29.
Wilton	— 2 —	41.
Downton	— 2 —	31.
Hindon	— 2 —	31.
Heytesbury	— 2 —	26.
Westbury	— 2 —	26.
Calne	— 2 —	18.
Carried over	190	4085.

Brought over	190		4085.
Chippenham	ſends 2 members choſen by		76.
Malmſbury	—— 2 ——		7.
Cricklade	—— 2 ——		81.
Bedwin	—— 2 ——		41.
Ludgerſhal	—— 2 ——		36.
Old Sarum	—— 2 ——		1.

'Here is but one houſe,' ſays *Willis*, *A. D.* 1750. I have been told that now there is no houſe. I was therefore going to charge the two *Old Sarum* ſenators to nobody. But as *Willis* ſays, the lord of the borough appoints a bailiff and ſix burgeſſes, to whom he gives his *conge d'elire*. I have called them *his* repreſentatives. And ſurely he, and the lord of the borough of *Newton*, in the iſle of *Wight*, ought to be contented with the repreſentation they have in parliament.

Bewdley	—— 2 ——		8.

I ſtate *Bewdley* at 8, the majority of 14, as the other 20 are appointed by the 14.

Knareſborough, Yorkſh.	—— 2 ——		26.
Scarborough	—— 2 ——		20.
Rippon	—— 2 ——		101.
Heydon	—— 2 ——		42.
Boroughbridge	—— 2 ——		33.
New Malton	—— 2 ——		51.
Thirſke	—— 2 ——		23.
Aldborough	—— 2 ——		38.

This town and *Boroughbridge* are both in one pariſh, the only ſingle pariſh in *England* that ſends 4 members.

North Allerton	—— 2 ——		91.
Haſtings, cinq. port	—— 2 ——		101.
Carried over	224		4861.

Brought over	224		4861.
Hythe, cinq. port	fends 2 members chosen by		26.
New Romney, ditto.	— 2 —		17.
Rye	— 2 —		51.
Winchelsea	— 2 —		21.
Seaford, cinq. port	— 2 —		21.
Beaumaurice, *Wales*	— 1 —		13.
Montgomery	— 1 —		41.
Steyning	— 2 —		41.
Devises	— 2 —		72.

The corporation consists of 36, who make what burgesses they please. They being probably at the command of the corporation, are hardly to be accounted free electors. Let us, however add 36 to the corporation, which will make the majority of electors 72.

Wotton Basset	— 2 —	76.
Shaftesbury	— 2 —	151.
Marlborough	— 2 —	2.

The members are elected by the corporation only, which are a mayor and two bailiffs.

Droitwich	— 2 —	21.
Newark	— 2 —	151.
Buckingham	— 2 —	7.
Barnstaple	— 2 —	151.
	254	5723.

From this extract we see, that 254 members are actually elected by 5723 votes; now the most numerous meeting of the commons ever known, was on occasion of the debate about *Walpole*, *A. D.* 1741. There were then 502 in the house. Therefore 254 comes very near a majority of the house, or the *whole acting* and *efficient* number. And the greatest part of these illus-

trious 5723, who have the power of conſtituting lawgivers over the property of the nation, are themſelves perſons of no property.

In *North Britain* the number of ſouls is about 1,500,000. The males between 16 and 56 are 300,000. Allowing one third part to be their own maſters, and to be above receiving charity, no *Scotch* member ought to be elected by fewer than a majority of 2000 votes. But there are many inſtances of members elected in *North Britain* by almoſt as ſmall a number as in *England*. The truth of the matter is, that in *North Britain*, though the country be nothing as to riches, compared with *England*, yet there are fewer beggars. Almoſt all are houſekeepers, though a great number of thoſe houſes are wretched hovels. So that almoſt all adult males ought to be voters in *North Britain*.

Lord *Talbot* [a], in his ſpeech in the houſe of peers, *A. D.* 1739, ſuppoſes, that 50,000 elect the majority of the houſe. And he juſtly exclaims againſt that number, as utterly diſproportionate, which it undoubtedly is, if the due number be 416,000 or 639,000. What would his lordſhip have ſaid, had he known that little more than a tenth part of his 50,000 ſend in the majority of our law-makers?

Taking the whole repreſentative for *South* and *North Britain*, the members for counties are only 131 of the 558, of which 131, 42 are for *Scotland* and *Wales* [b]. The members, therefore, for the boroughs and cinque ports, which ought not to be one in ten, compared with thoſe for the counties, are 382, above four times as many. So that for one member, who may

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[a] Deb. Lords, vi. 345.

[b] Deb. Com. xiii. 13.

may be ſuppoſed to come fairly into the houſe, four (if we except a few for the great cities) are ſent by the pooreſt of the people, directed by court-influence.

We have ſeen above, p. 38, that, dividing the right of voting as it ought to be, no member ſhould be elected by fewer than the majority of 800 votes. But we find, that not one member of all theſe 256 is elected by a number ſo high as 300; and a multitude by a number below 20.

If we take the places, where a majority of the electors comes below 20, it is ſhameful what a proportion of the 513 is ſent into the houſe by a handful, and that handful moſtly people in low circumſtances, and therefore obnoxious to bribery, or under the power of their ſuperiors.

LESTWITHIEL	ſends	2	members choſen by 13.
Truro	——	2	—— 14.
Bodmin	——	2	—— 19.
Saltaſh	——	2	—— 15.
Camelford	——	2	—— 10.
Boſſiney	——	2	—— 11.
St. Michael	——	2	—— 14.
St. Mawes	——	2	—— 16.
Tiverton	——	2	—— 14.
Maldon	——	2	—— 14.
Harwich	——	2	—— 17.
Thetford	——	2	—— 17.
Brackley	——	2	—— 17.
Banbury	——	2	—— 11.
Bath	——	2	—— 17.
Newport, Wight	——	2	—— 13.
Newton, ditto.	——	2	—— 1.
Andover	——	2	—— 13.
Carried over		36	246.

Brought over	36	246.
Gatton	ſends 2 members choſen by	11.
Bramber	—— 2 ——	8.
Eaſt Grinſtead	—— 2 ——	19.
Calne	—— 2 ——	18.
Malmſbury	—— 2 ——	7.
Old Sarum	—— 2 ——	1.
Bewdley	—— 2 ——	18.
New Romney	—— 2 ——	17.
Marlborough	—— 2 ——	2.
Buckingham	—— 2 ——	7.
	56	364.

Here we ſee 56 members (about a ninth part of the whole for *England)* are ſent into the houſe of commons by 364 votes, which number ought not to ſend in one member. For no member ought to be elected by fewer than the majority of 800, upon the moſt moderate calculation, according to Dr. *Price*, in order to give 410,000 voters their due and equally diſtributed ſhare of legiſlative power, without which equal diſtribution the majority of the men of property are enſlaved to the handful of beggars, who, by electing the majority of the houſe of commons, have ſo great an overbalance of power over them, as to be able to carry every point in direct oppoſition to their opinion, and to their intereſt.

Here we ſee *(monſtrum horrendum, ingens!)* two perſons, the lord of the pitiful town of *Newton*, in the iſle of *Wight*, and him of *Old Sarum*, *Wiltſhire*, where there is not a houſe, ſend in as many members as the ineſtimable wealth of the city of *London*, in which the livery, who are the legal electors, are 8,000; and the perſons, who ought to have votes

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are probably 30,000, and upwards. Here two individuals have equal weight in the ſtate with 30,000!

The following counties, *A. D.* 1693 to 1697 on an average, paid annually as follows, each reſpectively ſo many parts in 513 of the land-tax and ſubſidy; and ſent members as follows [a].

	Land-tax.	Subſidy.	Members.
Cumberland	1	1	6.
Dorſet	9	6	20.
Weſtmoreland	1	1	4.
Cornwal	8	5	44.
Middleſex	80	185	8.

According to this eſtimate, *Middleſex*, with its towns, contributes of land-tax and ſubſidy together 265 parts of 513. Therefore *Middleſex* ought to be repreſented by 265 members. And *Cornwal* contributes of land-tax and ſubſidy together 13 parts of 513. Therefore *Cornwal* ought to ſend 13 members.

Men of large property ought likewiſe to have more votes, than thoſe, who have leſs to ſecure. Property ought in all ſtates to have its proportional weight and conſequence.

In the *Eaſt India* act of 1773, which was heavily complained of for its injuſtice, there is yet one very equitable regulation, and worthy of imitation, viz. That every proprietor of 3000 *l.* ſtock ſhall have two votes; of 6000 *l.* 3; and of 10,000 *l.* 4 votes at elections of directors [b].

The *Britiſh* government, therefore, taking it according to its avowed ſtate, is neither abſolute monarchy nor limited monarchy, nor ariſtocracy, nor democracy, nor a mixture of monarchy, ariſtocracy and demo-

[a] *Poſtlethwayte's* Dict. Word Parl.

[b] Whiteh. Ev. Post, *June* 16, 1773.

cracy; but may be called a ptochocracy (the reader will pardon a new word) or government of beggars. For a few beggarly boroughs do avowedly elect the moſt important part of the government, the part which commands the purſe. It is true this is only the oſtenſible ſtate of things. The *Britiſh* government is *really* a juntocracy (I doubt the reader will now think I preſume upon his good nature) or government by a miniſter and his crew. For the court directs the beggars whom to chooſe.

Is this the univerſally admired and univerſally envied *Britiſh* conſtitution?

How much more proper would a petition have been, from the friends of liberty to the king, to ſet himſelf at the head of a plan for reſtoring *independency* to parliament, than petitioning him to *diſſolve* that which was then ſitting. What point could have been gained by that meaſure? It is a handful of beggars, bribed, or awed, by the court, or the grandees, that ſends the majority of the members into the houſe. Would not they have ſent back the *ſame* men? Did they *dare* to ſend any *others?* If it be ſaid, that the diſſolution of the parliament then ſitting would have redreſſed all grievances, it muſt follow, that a *new* parliament would; but how many *new* parliaments have we ſeen ſince the revolution? Yet we have now ſtanding armies, ſeptennial parliaments, rotten boroughs, placemen in the houſe, exciſes, &c.

Though I have not the leaſt idea of wiſhing ſo great a change in the conſtitution, as would exclude king and lords from parliament; yet I may, I think, be allowed juſt to mention, that the great power by our conſtitution veſted in a *ſmall* number of individuals, which will always make an inequality, and an unbalancing, ought to make us the more deſirous of

of reducing, if poſſible, *one* of our three eſtates at leaſt, to ſomewhat a little nearer to adequate, than it is at preſent. But of this more hereafter.

Repreſentation in the houſe of commons is inadequate in other reſpects beſides thoſe already mentioned.

In antient times, when parliaments were firſt eſtabliſhed, there was no property, but that of *land*. Therefore all powers, and all honours, were heaped on the landed men. The conſequence was, that the landed intereſt was too well repreſented, to the detriment (in our times) of the mercantile and monied. This is an occaſion of various evils. For many of our country-gentlemen are but bad judges of the importance of the mercantile intereſt, and do not wiſely conſult it in their bills and acts. Of this kind are the game-act, the dog-act, and taxes on every neceſſary of life, which give our rivals in trade a great advantage over us. And miniſters, to curry favour with the houſe of commons, are tempted to burden commerce with taxes for the ſake of eaſing the landed intereſt. See the art of *Walpole* [a] to this purpoſe, by propoſing to eaſe the land of one ſhilling in the pound, and laying a duty on ſalt for three years, to make up the deficiency. It was objected to this propoſal, That the ſalt-duty was always reckoned a grievous burden upon the manufacturing poor, and was therefore taken off; and that it was a ſtrange paradox, that the *landed* gentlemen were *poorer* than the *poor*, and therefore in more need of relief from a heavy tax.

It is the overbalance of the power in the hands of the landed men, that has produced the bounty on exportation of corn (of which more fully hereafter) which increaſes the manufacturer's expence of living, and

[a] Deb. Com. vii. 285.

diſcourages the exportation of our manufactures. This is, in the end, hurtful to the landed intereſt. But ſhort ſighted and ſelfiſh men do not ſee it in that light; nor will ſeem to underſtand, that the land-tax, while nominally three ſhillings in the pound, is not really nine-pence. The time was, when land in *England* might have been purchaſed for a 50th part of its preſent value. What has given it the 49 parts additional worth? Can any one imagine, the difference is owing to any thing, but our trade and manufactures?

A. D. 1373, a parliament being called, it was expreſsly mentioned in the writ, that from every burgh there ſhould be ſent two burgeſſes, 'the moſt diſcreet 'and ſufficient, who had the greateſt ſkill in ſhip-'ping and merchandizing [a].'

There was a clauſe in the election-bill in king *William*'s time for rendering merchants eligible into parliament, making oath, that they were worth 5000 *l.* [b]

'When the young nobility and gentry (ſays *Dave-'nant*) employ their time and thoughts carefully to in-'ſpect and conſider the kingdom's foreign traffic, they 'will evidently ſee how much their landed intereſt de-'pends upon it; they will find that as trade brought 'land from 12 to 25, the general rental from 6 to 14 'millions, and the kingdom's capital from 72 to 252 'millions, reckoning lands, tenements, hereditaments, 'and perſonal eſtates, 18 years purchaſe at a medium; 'ſo it may bring land from 25 to 50 years purchaſe, 'and lands, tenements, hereditaments, &c. from 18 to '26 years purchaſe, the general rental from 14 millions 'to 28 millions, and the kingdom's capital from 252 'to

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[a] *Brady*, III. 296. [b] DEB. COM. III. 70.

'to above 1000 millions, if by induſtry and prudent 'management it can be rendered more extenſive. But 'the mutual dependance between land and trade, we 'hope, has been ſufficiently made out in the ſeries of 'theſe diſcourſes [a].'

It was owing to a want of merchants in the houſe, that the bill for reſtraining paper-credit in *America* was brought in. And it was no ſmall diſgrace to the houſe, that there were petitions againſt it preſented from moſt of the agents for the colonies, as an imprudent and hurtful ſcheme. *Poſtlethwayte*, in his DICT. OF COMM. and BRIT. TRUE SYST. has made many remarks on the advantage of merchants in the houſe of commons; to whom I muſt refer the reader.

Is not an ariſtocracy a government in the hands of a few, or of one claſs, or one intereſt, excluding the body of the people of property from their due weight in government? Is not our houſe of peers wholly, and our houſe of commons chiefly filled with men, whoſe property is land? Is not therefore the government of this mercantile and manufacturing country in the hands of the landed intereſt to the excluſion of the mercantile and manufactural? Does not then the government of this country tend too much to ariſtocracy?

The eldeſt ſons of *Scotch* peers are declared incapable of ſitting in the houſe of commons [b]. But the ſons of *Engliſh* peers may ſit, ſo that ten individuals out of one family may be legiſlators. Is not this too ariſtocratical?

It is ſaid, property in land is more capable of being proved, than in merchandice, manufactures, or ſtocks. But this is frivolous; for any man, though poſſeſſed

[a] *Daven.* II. 81.

[b] DEB. COM. IV. 105.

of an oſtenſible land-eſtate, may be in debt to more than the value of his eſtate; and where is then his qualification?

The intereſt of merchants is ſo much the intereſt of the nation, that there can hardly be too many merchants in parliament. The *London* members almoſt always vote on the ſide of liberty. It is objected, that each merchant will probably vote in parliament for what is moſt for the advantage of his own particular branch. True. Therefore let a conſiderable number of merchants always have ſeats in the houſe, and then all different intereſts will be conſulted. It has likewiſe been argued, that merchants are bad members, becauſe they are liable to be influenced in favour of the court by government contracts. But here again comes in my obſervation concerning *partial* reformations. Correct all the other abuſes, and court-influence will become impoſſible. Then will appear the advantage of merchants in the houſe of commons. Of all which more hereafter.

As to the monied intereſt, if the public debts are not to be paid, or ſome ſubſtantial ſecurity found for them, it would be very proper, that the monied intereſt (as ſuch) ſhould have repreſentation in parliament. Elſe what ſecurity have we, that a profligate court will not ſhut up the exchequer, as *Charles* II. did, and obtain, by corrupt means, the ſanction of parliament for the meaſure? It is indeed alledged, that the mercantile, manufactural, and monied intereſts are repreſented by the members for the cities, and boroughs. But this is nothing to the purpoſe. Becauſe the qualification required is always to be in land.

CHAP. V.

How parliamentary Repreſentation came to be thus inadequate.

REpreſentation in the commons houſe of parliament came to be thus out of all proportion inadequate, in much the ſame manner as cities come to be built in defiance of all plan or regularity, by every land-proprietor's humouring his own caprice in building upon his own ground. Our kings and our queens gave and took away the privilege of ſending members, as pleaſed their fancy without all regard to juſtice, or proportion.

Mr. *Carte* [a] alledges, that the lawyers, in the puritan times, in order to ſtrengthen their own party, ſearched old records, and found, that many towns of the king's demeſne had been ſummoned once or twice by *Edward* I. to ſend repreſentatives; and on this founded a pretence, that theſe were in all times parliament-towns. 'Thus (ſays 'he) the puritans got the aſcendancy in the houſe; 'and thus was an unreaſonable diſproportion in the 'repreſentation of the kingdom introduced to the in-'finite prejudice of the conſtitution.'

Mr. *Carte* ſhews, that the mode of repreſentation eſtabliſhed in antient times was tolerably adequate; but 'that the caſe is now vaſtly altered. There is 'no longer any juſt or reaſonable proportion in the 'repreſentation. For, whilſt all the landed intereſt is 'repreſented by 92 members, and the trading or mo-

[a] Quoted PARL. HIST. XXI. 212.

'nied intereſt [a] by about 100 deputies of cities and 'great towns, there are above 300 repreſentatives of 'ſmall, inconſiderable, and many of theſe beggarly 'boroughs, who by a majority of 3 to 2, are able to diſ-'poſe of the property of all the landed and opulent men 'in the kingdom in deſpite of their unanimous diſſent. 'Theſe have long been conſidered as the rotten part of 'our conſtitution, and being venal as well as poor, 'they have been the chief ſource of the corruption 'complained of in modern parliaments.'

'Foreigners, who know and reflect on this inequa-'lity in our repreſentation, which they cannot recon-'cile to common ſenſe, ſtand amazed at hearing us 'brag of the excellency of our conſtitution, while it 'labours under ſo fundamental a defect, and are apt 'to doubt, whether the ſenſe of parliament is really 'the ſenſe of the nation,' &c. [b]

According to *Borlaſe*, author of the NATURAL HISTORY OF CORNWAL, only 5 boroughs of that county ſent 10 members, and the county 2, 23 *Edw.* I. and *Leſtwithiel* ſent 2 more, 33 *Edw.* I. Thus it remained, excepting one change, to 6 *Edw.* VI. when 7 other boroughs were allowed to ſend 2 members each. 1 *Mary*, another was added, and 4 and 5 of the ſame reign, another. 1 *Eliz.* another; 5 of the ſame reign, 2 others; 13 of the ſame queen, 2 others; and 27, another; in all 21 boroughs, which,

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[a] This is not juſt. For the members ſent by cities and great towns are commonly landed gentlemen, as much as the others, and do not conſider themſelves as particularly obliged to take care of the trading, much leſs of the monied intereſt.

[b] PARL. HIST. XXI. 213.

which, with the county, make up 44 members. The cauſe of this partiality for *Cornwall*, he thinks, was that dutchy's being in the crown, and yielding a greater royal revenue, than any other county, all which was very convenient for our kings and queens, as the places were poor, and conſequently dependent. So that probably the very deſign of giving this privilege to theſe paltry boroughs was, to obtain for the court an undue influence in parliament. And ought they then to be allowed a privilege, unjuſt in itſelf and given with unjuſt views? Towns came to be burghs (that is, privileged within themſelves, and freed from certain taxes and tallages) by charters of lords or kings [a]. It was originally left to the ſheriff of each county to name the burghs, which ſhould ſend members [b]. The oldeſt returns extant of knights, citizens, and burgeſſes, are 26 *Edward* I. *viz.* 2 knights for *Wiltſhire*, 2 citizens for *New Sarum*, 2 burgeſſes for *Dounton*, 2 for *Devizes*, 2 for *Chippenham*, 2 for *Malmeſbury* [c]. But afterwards, 12 *Edw.* III. there were returned only 2 knights for the county, 2 citizens for *Sarum*, 2 for *Wilton*, 2 for *Dounton*, and 2 for *Merleberg*, [*Marlborough* [d].] *Brady* mentions many inſtances of places diſcontinuing to ſend members, and then beginning again, and diſcontinuing again, for 100 to 300 years, *&c.* And, which is extraordinary, the returning officer would often return, 'Nulla eſt alia, *&c.* There are no more cities, nor 'burghs in my bailywick,' though more cities and burghs in the ſame bailywick, or county, had formerly ſent members [e]. He meant, 'There is no other city 'or

[a] *Brady*, 1. Of Burghs, 43. [b] Ibid. 52.
[c] Ibid. 52. [d] Ibid. [e] Ibid. et paſſ.

'or burgh, fit to ſend members;' for the ſheriff, at his pleaſure, often ſpared the decayed burghs the expence of ſending members, though there was a law, 5 *Rich.* II. *c.* 4. for puniſhing ſheriffs, who failed in this reſpect. The ſheriffs, in their returns, ſtill extant, often mention, that there are no other places in the county, now able to ſend members [a]. There is no inſtance (ſays *Brady* [b]) of any burgh's complaining of its not being repreſented. But there are inſtances of their petitioning to be excuſed ſending members.

Mr. *Willis* thinks, there were before *Edw.* VI. about 130 cities and boroughs, in all, that returned members to parliament [c], and that the original number was not conſiderably increaſed till the time of *Henry* VIII. but continued from the middle of *Edward* III. much the ſame, (not 30 new boroughs being created between *Edw.* I. and *Edw.* VI.) excepting that ſome boroughs intermitted ſending for ſome time, as 50, 100, to 400 years, and afterwards begun again. In ſeveral parliaments, as 18 *Edw.* III. *&c.* the records ſay, 'In *hoc parl. &c.* In this parliament there 'were no briefs [or writs] ſent to any city or burgh, 'but to the counties only [d].' There were likewiſe councils, or parliaments, in which were only members from trading towns, and no knights of ſhires [e]. There were 17 places made burghs, with privilege of ſending members, by *Henry* VI [f]. The cinque ports are now 8; though the very name ſhews, that they were originally but 5 [g]. *Prynne* ſays *Wales* ſent 48 members, *temp. Edward* II. But *Henry* VIII. ſummoned

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[a] *Brady*, 1. Of BURGHS, 52 et paſſ. [b] Ibid. 59.
[c] NOT. PARL. 1. Pref. vii. [d] Ibid. xlii.
[e] Ibid. ix. [f] Ibid. xiv. [g] Ibid.

ſummoned only 12 knights and 12 burgeſſes [a]. Some trading places ſent repreſentatives, upon occaſional ſummonſes to councils for regulating trade. Mr. *Willis* likewiſe gives a liſt of burghs, which formerly returned members, and 'which if reſtored (ſays he [b]) 'would conſtitute a parliament near half as numerous, 'as the repreſentative of burghs was before *Edward* 'VI.' The county-palatine of *Cheſter*, and city of the ſame, ſent no members before *Edward* VI. [c] Nor *Durham* county-palatine and city before 25 *Car.* II. [d] 'The ſmall boroughs, to which the privilege of ſend-'ing members had been granted for the ſupport of mi-'niſterial influence, and corruption, were deprived of 'their right of election,' *A. D.* 1654, under the uſurpation of *Cromwel* [e]. In former times, the king's learned council, the civilians, maſters in chancery, were ſummoned to attend parliament, but without voices, as now the judges; and the biſhops were to bring with them 'their dean and chapter, their arch-'deacon, and all the clergy [*totumque clerum*] of their 'dioceſe, by their repreſentatives [*procuratores*] to 'agree [*ad conſentiendum*] to the things which ſhall 'be ordained [f].' This laſt [*ad conſentiendum*] ſeems to imply, that all theſe holy men had ſuffrage in parliament. But lord *Coke* expreſsly affirms the contrary, and indeed it is not probable that they had, though they were in thoſe times held in high veneration. There were 33 abbots ſummoned to parliament 4 *Edward* III. and in the parliament writs 6 *Edward* III. 23 others, beſides 4 priors, and the maſter of the order of *Semplingham*, who were not uſually in parliament.

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[a] Not. Parl. I. Pref. xv. [b] Ibid. xxx.
[c] Ibid. I. 197. [d] Ibid. II. 510.
[e] *Macaul.* Hist. v. 140. [f] *Coke*'s Instit. v. 4.

parliament. [I have forgot, in copying this out, to ſet down from whence I took it.] 'Four knights for 'every county, and two men for every city, burgh, 'and market-town, were ſummoned to parliament,' *A. D.* 1283, *temp. Edward* I. [a] Near the end of *Edward* I. writs were iſſued out for all the counties, excepting *Cheſhire* and *Durham* [b]. *A. D.* 1446, 24 *Henry* VI. there were 74 knights in parliament from 37 counties; one of which is *Wigorn*, and ſeveral counties are left out. There were 200 burgeſſes; ſo that the whole houſe of commons conſiſted of 274 members, now 513, for *England*. [I have forgot, in extracting this paragraph, to mark from whence I took it.] According to *Blackſtone* [c], there were only 300 members in the commons houſe of parliament in the time of *Henry* VI. [c] Therefore the number of the houſe of commons is almoſt doubled in about 300 years by our kings and queens giving privilege of election to new places.

There was in the time of *Henry* V. a debate about the ſurrender of corporations. *Bæda* (Qu.) and *Newbury* ſurrendered their corporations to the king. It was queſtioned, Whether a corporation can ſurrender its charter, which is robbing poſterity. And the commons called upon thoſe towns to ſend members, notwithſtanding the ſurrender. The houſe however excuſed their ſending members on their pleading inability, and 'they ſent none ſince [d].' An act paſſed 1690, to declare the right and freedom of election for the cinque-ports. Before this bill the wardens of the cinque-ports claimed a right of nominating to each cinque-

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[a] *Brady*, III. 10.
[b] PARL. HIST. I. 131.
[c] COMM. I. 174.
[d] DEB. LORDS, I. 398.

cinque-port one perſon to ſerve as baron or member of parliament [a].

In *Henry* VIIIth's firſt parliament there were 148 counties and boroughs, which ſent members; and the whole number of the commons was 298. *Durham* and *Cheſter* were not in the liſt. The 6 boroughs of *Cornwal*, and the county, probably ſent only 14 members, where now they ſend 44. No members then for *Weſtminſter*. *Wiltſhire*, with its cities and boroughs, ſent 34. *Henry* gave, or reſtored, privilege of ſending members to 14 counties, chiefly *Welch*, and to 17 towns in *England* and *Wales*, and to *Calais* in *France*; in all 32 counties and boroughs, which ſent to parliament 38 members. *Edward* VI. gave privilege to 22 boroughs (no counties) and they ſent 44 members. Queen *Mary*, to 14 boroughs, which ſent 25 members. *Elizabeth* to 31 boroughs, which ſent 62 members. *James* I. to 14 boroughs, which ſent 27 members. [I have forgot to mark whence I took this paragraph.] *February* 15, 1640, The commons ordered that *Cockermouth* ſhould be reſtored to its former privilege of ſending members [b]. *November* 26, That the towns of *Aſhperton* and *Honiton* ſhould likewiſe ſend members [c]. *Oakhampton* had no members ſince 7 *Edward* II. It was reſtored at the beginning of this parliament. *Weably* had ſent no members ſince *Edward* I. It was reſtored 1640. *Milborn-port* ſent none ſince 35 *Edward* I. 'till required in 1640. The commons, in the ſame year, ordered that *Malton*, *Allerton*, and *Seaford* ſhould be reſtored to their former privileges.

Under *James* II. the power of electing members of parliament was in many places transferred from the inhabitants

[a] *Tind.* CONTIN. I. 132. [b] COMMONS JOURN. XXIII. [c] Ibid. XXV.

inhabitants in general to the magiſtrates; becauſe they were likely to be more within the reach of bribery [a].

The borough of *Stockbridge*, *A. D.* 1689, for bribery, narrowly eſcaped being diſfranchiſed, and incapacitated for ever for ſending members, and inſtead of its 2 members, an addition was propoſed to be made of 2 more knights of the ſhire for the county of *Southampton* [b].

CHAP. VI.

Evil of the Boroughs having ſo diſproportionate a Share in Parliamentary Repreſentation.

MEMBERS of parliament have the properties, liberties, and lives of the nation in their hands, and hold themſelves accountable to no man, or ſet of men, for the laws they make. Ought the truſtees of ſo great a charge to be men capable of giving or receiving baſe bribes? Members of parliament ought to be men of good natural parts, education, and character, ſound reaſoners, graceful ſpeakers, knowing in the three intereſts, *viz.* the landed, the commercial, and the monied, in general hiſtory, law, and politics, and in the hiſtory, laws, and politics of *Britain*, learned in human nature, and maſters of the ſpirit and diſpoſition of the inhabitants of the three kingdoms, and of the colonies. Is it to be conceived, that the inhabitants of a ſet of miſerable *Corniſh* boroughs are judges of ſuch high accompliſhments as theſe? Were election of members of parliament upon its proper foot, every county,

[a] *Hume*'s HIST. *Stuarts*, II. 404.

[b] *Bohun*'s RIGHT OF ELECTION, p. 275.

county, including its cities and towns, would elect a set of gentlemen to be its representatives. This would concentre the wisdom of the whole county, and not leave it, as at present, in the power of a dozen silly fellows to set up a lawmaker, capable or incapable, over their country.

Here I must hint to the reader, that, though I have stated the accomplishments of a member pretty high, I am sensible, that lower, with integrity, will suffice, or at least would, if parliament were upon the proper foot as to independency. But the lamentable part of the case is at present, that by far the greatest part of our electors are wholly incapable of distinguishing, and must be supposed often to chuse the worst qualified of the candidates, and reject the best.

We often see, before a general election, many flaming harangues addressed to the people, shewing them the importance of choosing proper persons for so momentous a trust. I have wondered in myself how any man of sense could waste his paper and ink so fruitlessly as in giving people advice, which no man, who knows human nature, can expect them to take. The plain *English* of those harangues is as follows.

Illustrious beggars of the *Cornish* boroughs!

Your country expects of you at the approaching election, what every considerate person must conclude to be wholly out of your reach, *viz.* That you will wisely and honestly consider the importance of the trust reposed in you, of sending into the legislative assembly of the nation so great a proportion of the members. It is expected, that you are well qualified, without having ever had the means for being qualified to judge of the fitness of candidates; that you, who have neither knowledge of books, nor of the world, should

ſhould judge unerringly of the capacities and diſpoſitions of perſons, who offer themſelves as candidates for your favour. It is likewiſe expected, illuſtrious beggars, that you, whoſe circumſtances are, in the moſt miſerable degree, dependent, ſhould be, in your principles and diſpoſitions, independent patriots. As we require a qualification in members of parliament, of ſeveral hundreds a year, that they may be above temptation, ſo we expect of you, who are in continual want, that you defy temptation. Do not, patriotic electors, regard the threats of your landlords, when they tell you, they will turn you out of your dwelling. Remember what you never learned in *Horace*,

Dulce et decorum eſt pro patriâ mori.

It requires no fortitude above what every groſs unprincipled fellow is maſter of, to die in a ditch for your country, with your wives and children about you.

'Legiſlation (ſays *Blackſtone*[a]) is the greateſt act of 'ſuperiority, that can be exerciſed by one being over 'another.' How few then can be ſuppoſed qualified for ſuch a momentous truſt! But we put this truſt in the hands of any man, however worthleſs, or incapable, who is able and willing to lay out a few thouſands in the purchaſe of a borough.

James I. before a general election, directs, 'that 'there be not choſen any perſons banqueroutes, or 'outlawed; but men of known good behaviour, and 'ſufficient livelihood,—nothing being more abſurd in 'any commonwealth, than to permytt thoſe to have 'free voices for law-making, who, by their own 'actes, are exempted from the law's protection[b].'

None

[a] COMM. I. 46. [b] PARL. HIST. V. 7.

None were to be eligible to parliament in *Cromwel's* time, but perſons of known integrity, fearing God and of good converſation; no common ſcoffer or reviler of religion; none who denies the ſcripture to be the word of God; no common profaner of the Lord's day; no profeſſed ſwearer or curſer; no drunkard, haunter of taverns, ale-houſes, or brothels, nor that ſhall hereafter drink healths, or be guilty of adultery, fornication, extortion, bribery, perjury, forgery, *&c.*[a] Here was ſuch an excluſion-bill, as, if it had been put in force in our times, would have left St. *Stephen's* Chapel miſerably depopulated. But how ſhould the houſe be filled with proper members by improper electors? The lords rejected, *A. D.* 1702, after a ſecond reading, a bill to provide, that no perſon be choſen a member of the commons, who has not a ſufficient real eſtate. A great many lords proteſted againſt the rejection of ſo good a bill; becauſe the deſign of it was, to prevent foreigners, and men of no property, from having the power of taxing the property of *Engliſhmen*[b]. But men of no property have *now* the power of taxing the property of *Engliſhmen.* For the members for the boroughs are four times as numerous as thoſe for the counties.

There was much debating in the houſe of commons, *A. D.* 1770, upon a bill for ſettling what offences ſhould be puniſhed by incapacitation to ſit in the houſe. If what judge *Blackſtone* affirms, as above, be unqueſtionably true, it is a matter of ſupreme conſequence, that only men of unqueſtionable characters be legiſlators. For my part, I ſhould think a law

[a] PARL. HIST. XX. 386. [b] DEB. LORDS, II. 48.

for incapacitating every man of an ambiguous character, highly proper and neceſſary. We know how exact in that reſpect the antient heathens were. And it were a ſhame, that the profeſſors of the pureſt of all religions ſhould be more lax in principle than they. But how is it to be expected, that any particular regarding elections ſhould be properly managed by ſuch weak and influenced men as thoſe, who ſend in the majority of the houſe?

'Kings may make lords, and corporations, which cor-
'porations may ſend their burgeſſes to parliament,' ſays *N. Bacon* [a]. The annotator obſerves, on this, 'Tho'
'the king can make corporations, yet he cannot give
'them a right to be repreſented in parliament with-
'out the commons aſſent.' I believe *Henry* VIII. and his termagant daughter did not aſk the conſent of the houſe of commons, when they gave to ſo many places the power of ſending members to parliament. And if not, according to this author, thoſe places have no legal right to ſend members. The miſerable village of *Boſſiney* was made a free borough neither by king nor queen, but by *Richard* earl of *Cornwal*, brother to *Henry* III. It ſent members for the firſt time under *Edward* VI. [b] Surely we have no occaſion to be encumbered by this paltry place, and its venal members. If a king's brother, if even a ſheriff of a county [c], can give privilege of ſending members, ſurely a king can take away that mock privilege. Or if kings, and brothers of kings can give privilege to paltry boroughs in one age, then kings

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[a] Disc. Gov. Engl. Part II. p. 76.
[b] Deb. Com. XIII. 50. [c] See above, p. 58.

kings and their brothers can, in another more enlightened age, give privilege to reſpectable counties and great cities, to ſend up that number of repreſentatives, which is found to be adequate to their reſpective contributions to the public expence. Our good king *George* III. (whom God preſerve!) has as good a right, at leaſt *in foro conſcientiæ*, to give *London* 100 additional members, to give *Briſtol* 20 additional, 20 to the county of *York*, &c. as our *Maries*, our *Elizabeths*, and our *Henries*, had to give a ſet of rotten boroughs the privilege of ſending three times their adequate number. If a king has power in the 15th or 16th century, to do wrong, ſurely a king has power in the 18th to redreſs that wrong.

Suppoſe, for the experiment's ſake, the cities of *London* and *Weſtminſter*, and county of *Middleſex*, ſhould join in a decent petition to the legiſlature, requeſting, that the exceſſive number of members, which repreſents the county of *Cornwal*, may be transferred to the ſervice of the ineſtimably opulent metropolitan cities and county, and their miſerably inadequate repreſentation to the inconſiderable county of *Cornwal*; or, in other words, that *London*, *Weſtminſter*, and *Middleſex* may, for the future, be repreſented by 44 members (not half the adequate number) and *Cornwal* by 10. Suppoſe *Cornwal* to petition, that nothing may be changed. Here would be two counter-petitions before the legiſlature; one, of the moſt reſpectable property, that ſends repreſentatives to parliament, requeſting what they have an undoubted title to; the other of a comparatively inconſiderable property, inſiſting to keep what undoubtedly they have no right to, have obtained in a ſurreptitious manner, and have kept a great deal too

long. Would the legislature listen to the latter, and reject the former?

James I. forbids sending members 'from such ruinous places, as have not sufficient resyantes [inhabitants] to make such choice [a].'

Were the privilege of election taken from the boroughs, there would be less occasion for a place-bill. For large bodies of the independent people would not elect, or re-elect place-men.

'Most of the great counties and chief cities chose men who were zealous for the king and government, *A. D.* 1701, but the rotten parts of our constitution, as an eminent author styles the small boroughs, were in many places wrought on to chuse bad men [b].'

'Before bribery, or meat, drink, insinuation, and artifice prompted to the mean and poor sorts of burgesses a right, which antiently they never dreamed of, there were no contests between them and the communities or commonalties, that is, the governing part of cities and burghs, about the election of citizens and burgesses to represent them in parliament, seeing, when they received wages, it was a burden to those, who chose and sent them. And it is not easily to be imagined, that poor and ordinary men would contend for a burthen, or a trouble.——There was then no striving for votes, or making parties to be elected [c].' No invention could have been thought of more favourable to court-influence in parliament, than giving so great importance to the beggarly boroughs. They are the creatures of the court. That is, they receive their privilege from kings; and the burgage

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[a] Parl. Hist. v. 7. [b] *Tind.* Contin. i. 497.
[c] *Brady*, i. Of Burghs, 75.

burgage tenures in them generally belong to men of fortune, who have power to oblige the inhabitants of these burgage-houses to elect whom they please. And the court having great funds at its disposal, ambitious and avaritious men are thereby drawn to the court-side in promoting the election of courtly men. But above all, the easiness of bribing a small handful of voters, who have the privilege of sending two members, is ruinous to the independency of the house of commons.

In the year 1742, there came before the lords a bill for quieting corporations, occasioned by an appeal to them from the violence used by *Walpole*, in order to compel the election of some of his creatures for *Weymouth*. That arch-corruptor had endeavoured to intimidate the corporation by threatening their charter. A minister cannot by any such means influence a county, or a great city. 'Many of our boroughs (says my lord *Chesterfield* in speaking on that subject) are now so much the 'creatures of the crown, that they are generally called 'court-boroughs, and very properly they are called so. 'For our ministers for the time being have always the 'nomination of their representatives, and make such 'an arbitrary use of it, that they often order them to 'chuse gentlemen, whom they never saw, nor heard 'of, perhaps, till they saw their names on the minister's order for chusing them. These orders they 'always punctually obey, and would, I suppose, obey 'them, were the person named in them the minister's 'footman, then actually wearing his livery. For 'they have, we know, chosen men, who have but 'very lately thrown the livery off from their backs; 'but never can throw it off from their minds [a].'

[a] Deb. Lords, viii. 529.

March 18, 1742, a bill for regulating elections for cities, and boroughs, was put off for a month [a]. The author of FACTION DETECTED BY FACTS, thus accounts for the loss of this popular bill: 'The true reason why this bill was not passed was one, which equally affected all parties, and which will everlastingly prevent an effectual bill of this kind; and this ariseth from the various rights of election, which are so numerous, that they distract and confound the different interests of gentlemen, which, to speak fairly on all sides, induces them, by one plausible pretence or other, for their private regard, to oppose or to propose, so many different clauses, that such bills become at last impracticable and unpalatable to all.—The burgage-tenures too, which gentlemen will neither part with, nor can tell how to regulate, are another invincible obstruction; and the powers and the penalties create farther difficulties, which no human wisdom has yet been able to surmount.' The plain *English* of all this is, that a majority of the members of both houses were, thirty years ago (not in our golden days) so sordidly selfish in their dispositions, that rather than lose a trifling privilege or profit, they would suffer their country to sink in a quick-sand of corruption. It is to be hoped, that this shocking account of the state of patriotism thirty years ago, was not true. But however the truth may have been, it is particularly remarkable, that an author, who wrote on purpose to shew, that the clamour of the people was groundless, should incautiously confess, that the majority of the legislature was so execrably corrupt,

[a] DEB. COM. XIV. 258.

corrupt, that there was great and weighty ground for clamour.

Lord *North* and *Grey* was againſt the union, becauſe *Scotland* was to have twice the number of repreſentatives, and to pay only half the tax paid by *Wales*, though *Wales* was as poor, and much leſs in extent. Lord *Hallifax* anſwered, that *Cornwal* did not pay above one fifth of what *Gloceſterſhire* did, and ſent five times as many members [a].

A ſtate or commonwealth, ſays *Milton* [b], 'is a 'ſociety ſufficient of itſelf in all things conducible to 'well-being and commodious life.' Will this definition anſwer to *Britain* as parliaments now are? when all depends on a ſet of men authoriſed by a very ſmall minority both as to numbers and property?

It is a common maxim in politics, that in every ſtate there muſt be ſomewhere an abſolute and irreſiſtible power over the people. But this is to be rightly underſtood, or it will lead to miſtakes. In a monarchy, as *France*, the whole power is in the king againſt all other voice. This is proper tyranny. At *Venice* it is in the nobles excluſively. This is proper ariſtocracy, or oligarchy. In *Holland* (excepting ſome errors and deviations) the whole power is in the ſtates, that is, or ſhould be, the people; but it does not deſcend low enough, and leaves the bourgeoiſie conſideraby enſlaved. In *England* the whole power is in king, lords, and commons. Therefore in monarchies the *people*, the chief object, have no ſhare of power. In oligarchies the people have as little. In republics the people have a ſhare of power. But in our mixed government the people are ſwallowed up in king, lords, and commons. To ſay, therefore, that there

[a] Deb. Lords, II. 173. [b] Eikonocl. 135.

there must be in every country an absolute power somewhere *over the people*, and in which they are to have no share, is making the people mere beasts of burden, instead of what they are, viz. the original of power, the object of government, and last resource. Our courtly people, therefore, to quiet our minds on this subject, tell us, we have a very great share in governing ourselves, as we elect our law-makers. We have seen, what this amounts to. And if any *Englishman* is satisfied with the view I have given of parliamentary representation, I can only say, he is thankful for small mercies.

There will be occasion to exhibit much more on this subject in the following chapters on *Corruption*, &c.

CHAP. VII.

Inadequate Representation universally complained of. Proposals by various Persons for redressing this Irregularity.

THE monstrous inequality of parliamentary representation has not escaped unobserved. And there have been attempts made to reform it.

'To what gross absurdities, (says Mr. *Locke*[a]) the 'following of custom, when reason has left it, may lead, 'we may be satisfied, when we see the bare name of a 'town, of which there remains not so much as the ruins, 'where scarce so much housing as a sheep-cot, or more 'inhabitants than a shepherd, are to be found, send as 'many representatives to the grand assembly of law-'makers, as a whole county numerous in people, and 'powerful in riches.' He afterwards shews (contrary to

[a] On GOVERNMENT, chap. XIII. § 157.

to the common objection, That this deviation must not be corrected, because such correction would produce a violation of the constitution) that restoring adequate representation, would be precisely what is wanted toward establishing the constitution on its true and original principles. 'This irregularity of representation strangers stand amazed at, and every one 'must confess, needs a remedy, though most think it 'hard to find one, because the constitution of the 'legislative being the original and supreme act of the 'society antecedent to all positive laws in it, and, 'depending wholely upon the people, no inferior 'power can alter it; and therefore the people, when 'the legislative is once constituted, having, in such 'a government as we have been speaking of, no power 'to act, as long as that government stands; this 'inconvenience is thought incapable of a remedy.

'*Salus populi suprema lex*, is certainly so just and 'fundamental a rule, that who sincerely follows it 'cannot dangerously err. If therefore the executive, 'who has the power of convoking the legislative, 'observing rather the true proportion, than the fashion 'of representation, regulates, not by old custom, but 'true proportion, the number of members in all 'places, that have a right to be distinctly represented, 'which no part of the people, however incorporated, 'can pretend to, but in proportion to the assistance it 'affords to the public; it cannot be judged to have 'set up a new legislative, but to have restored the old 'and true one, and to have rectified the disorders, 'which the succession of time had insensibly, as well 'as inevitably introduced. For it being the interest, 'as well as the intention of the people, to have a fair 'and equal representative, whoever brings it nearest 'to that, is an undoubted friend to, and establisher of

'the government, and cannot miſs the conſent and 'approbation of the community. Prerogative being 'nothing but a power in the hands of the prince to 'provide for the public good in ſuch caſes, which 'depending upon unforeſeen and uncertain occurrences, 'certain and unalterable laws could not ſafely direct; 'whatſoever ſhall be done manifeſtly for the good of 'the people, and eſtabliſhing the government on its 'true foundation, is, and always will be, true and 'juſt prerogative. The power of erecting new cor-'porations, and therewith new repreſentatives, carries 'with it a ſuppoſition, that, in time, the meaſures of 'repreſentation might vary, and thoſe places have a juſt 'right to be repreſented, which before had none, and 'by the ſame reaſon, thoſe ceaſe to have a right, and 'become too inconſiderable for ſuch a privilege, which 'before had it. It is not a change from the preſent 'ſtate, which perhaps corruption, or decay, has intro-'duced, that makes an inroad upon government; but 'its tendency to injure and oppreſs the people, and 'to ſet up one part, or party, with a diſtinction from, 'and unequal ſubjection to the reſt. Whatſoever 'cannot but be acknowledged to be of advantage to 'the ſociety and people in general, upon juſt and 'laſting meaſures, will always, when done, juſtify 'itſelf, and whenever the people ſhall chooſe their 'repreſentatives upon juſt and undoubtedly equal 'meaſures, ſuitable to the original frame of the govern-'ment, it cannot be doubted to be the will and act of 'the ſociety, whoever permitted or cauſed them to 'do it [a]'.

Mr. *Locke* hints, in this paſſage, the propriety of our kings applying their prerogative to the reſtoring of

[a] *Locke* on GOVERNMENT, fol. edit. p. 220.

of a more adequate repreſentation. Nor is there any thing unreaſonable in the propoſal; ſince it is notorious, that a great part of the monſtrous diſproportion of repreſentation in parliament, is owing to the caprice of our crowned heads in opening the houſe of commons to numbers, who had no original right to enter it. And if, in order to reſtore the balance, we were to diſfranchiſe 50 or 60 of the beggarly boroughs, we ſhould do nothing unprecedented. For *Willis* [a] gives an account of above 60 'diſuſed or *obſolete* boroughs 'and towns, which were *antiently* ſummoned to ſend 'members to parliament,' viz. *Doneſtable*, *Newbury*, *Ely*, &c. Where are now the members for thoſe places? They would have made, he ſays [b], 'a parliament near half as numerous as the repreſentative of 'the burghs was before *Edward* VI.' If our former kings and queens filled and emptied the houſe of commons at their pleaſure, why ſhould not our modern crowned heads have power to ſet right what they ſet wrong, either by diminiſhing (with conſent of parliament) the exorbitant number of borough members, or increaſing the repreſentation of the counties, adding members to *London*, *Weſtminſter*, and *Southwark*, to *Briſtol*, to *Liverpool*, &c. or by ſome means, or other, take legiſlation out of the hands of the beggars, and put it into thoſe of men of property.

'It is plauſibly urged,' ſays a ſpeaker in the houſe of commons [c], 'that the voice of the nation is only to 'be heard in this aſſembly [the houſe of commons]; 'but plauſibility is one thing, and truth another. 'This aſſembly does not conſtitute a *real* repreſenta-

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[a] Not. Parl. iii. 81. [b] Pref. p. xxx.

[c] Lond. Mag. *June*, 1771, p. 287.

'tive of the kingdom. The metropolis, for inſtance, 'which contains at leaſt a 6th part of the people, 'ſends to parliament only 8 members, and many of 'the principal trading towns ſend none.'

'A great inconvenience ſprings from the conſtitu-'tion of the boroughs,' (ſays a writer in the time of king *William*[a]) 'which elect not by virtue of their 'wealth, dignity, or number of inhabitants, but by 'the borough-houſes, in which they live; theſe only '(which perhaps are the moſt inconſiderable part of 'the borough) having in them the electing power 'excluſive of the reſt. This qualification makes ſuch 'houſes ſell better to a purchaſer, than any others in 'the town; and it is cuſtomary for gentlemen, who 'are deſirous of a ſeat in parliament, to lay out their 'money in ſuch bargains, and though it coſts them 'dear, yet, if it be poſſible, they will be land-lords of 'a ſufficient number of theſe borough-houſes (in the 'purchaſe whereof ſome friend's name is moſtly made 'uſe of in truſt) that thereby they may command an 'election either for themſelves, or their aſſigns, at 'pleaſure. And what is this leſs than buying of 'votes with money?' 'This is what is called the rot-'ten part of the conſtitution. It cannot continue 'the century. If it does not drop, it muſt be am-'putated,' ſaid lord *Chatham*, in his ſpeech on the ſtamp-act.

Cromwel's plan of a parliament[b] was briefly as follows: The period triennial; the whole number of members to be 400 for *England* and *Wales*; 30 for *Scot-*

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[a] STATE TRACTS, time of K. *William*, 1. 161.

[b] *Whitelocke*'s MEMOIRS, 552.

Scotland, and 30 for *Ireland*. The number of members for ſome of the moſt remarkable places was as follows; *Cornwal* 12, *Devonſhire* 20, *York* 22, *Eſſex* 16, *Kent* 18, *Middleſex* 6, *London* 6, *Briſtol* 2. He alſo intended members for ſeveral places, which now ſend none, as *Mancheſter*, &c. Every reader will obſerve, that this ſcheme was far from being an adequate repreſentation, though much preferable to the preſent. Of the 400 *Engliſh* members, 270 were county-members; which gave the counties the advantage they ought to have over the boroughs; whereas in our times the borough members out-number thoſe for the counties 4 times over. Every perſon worth 200 *l.* real or perſonal was to have right of voting; whereas in our times, hardly any, but beggars, have weight in appointing the repreſentative. *Fairfax* in his ſcheme for ſettling the nation, propoſes adequate repreſentation by counties [a]. Lord *Chatham* has propoſed, that a third member be added to the repreſentation for each county. This would be of ſervice; but would not redreſs the evil. For repreſentation would be ſtill out of proportion, as the borough members would ſtill out-number thoſe for the counties. Lord *Moleſworth* is for transferring the members for the mean boroughs to the great places. Mr. *Hume* propoſes [b], as an improvement of the *Britiſh* conſtitution, the reſtoration of the plan of the republican parliament, and allowing no perſon to vote, who did not poſſeſs a property [he does not confine it to land] of 200 *l.* value. Mr. *Carte* propoſes, for equalling repreſentation, to give all perſons poſſeſſed of property within the *hundred*, in which is a ſmall borough (which now of *itſelf*

[a] PARL. HIST. XVI. 205. [b] ESSAYS, II. 375.

itself ſends two members) a right of voting equally with the men of the borough; and to make the ſteward, or judge of the hundred-court a joint returning officer with the preſent borough-officer. This would render bribery more difficult, than it is, but would not make parliamentary repreſentation adequate.

On this ſubject the author of the DISSERT. UPON PARTIES [a], reaſons as follows: 'At the ſettling of 'the revolution, thoſe perſons, who had exclaimed 'ſo loudly againſt placemen and penſioners in the reign 'of *Charles* II. and who complained at that inſtant ſo 'bitterly of the undue influence that had been employed 'in ſmall boroughs, chiefly to promote the elections 'of the parliament which ſat in the reign of *James* II. 'ought to have been attentive, one would think, to 'take the glorious opportunity, that was furniſhed 'them by a new ſettlement of the crown, and of the 'conſtitution, to ſecure the independency of parlia-'ments effectually for the future. *Machiavel* obſerves, 'and makes it the title of one of his diſcourſes, That a 'free government, in order to maintain itſelf free, hath 'need every day of ſome new proviſions in favour 'of liberty. The truth of this obſervation, and the 'reaſons that ſupport it, are obvious. But as every 'day may not furniſh opportunities of making ſome 'of theſe new and neceſſary proviſions, no day, that 'does furniſh the opportunity, ought to be neglected. 'The *Romans* had been ſo liberal in beſtowing the 'right of citizens on ſtrangers, that the power of their 'elections began to fall into ſuch hands as the conſti-'tution had not intended to truſt with them. *Quin-*

2 'tus

[a] P. 218.

'*tus Fabius* ſaw the growing evil; and being cenſor, 'he took the opportunity; confined all theſe new elec- 'tors into four tribes, put it out of their power to turn 'the elections, as they had done whilſt their numbers 'were divided among all the tribes; freed his country 'from this danger; reſtored the conſtitution accord- 'ing to the true intent and meaning of it; and ob- 'tained, by univerſal ſuffrage, the title of *Maximus*. 'If a ſpirit like this had prevailed among us at the 'time we ſpeak of, ſomething like this would have 'been done; and ſurely ſomething like it ought to 'have been done, for the revolution was in many 'inſtances, and it ought to have been ſo in all, one 'of thoſe renovations of our conſtitution which we 'have often mentioned. If it had been ſuch with 'reſpect to the electing of members to ſerve in par- 'liament, theſe elections might have been drawn back 'to the antient principle, on which they had been 'eſtabliſhed; and the rule of property, which was 'followed antiently, and was perverted by innumerable 'changes which length of time produced, might have 'been reſtored, by which the communities, to whom 'the right of electing was truſted, as well as the qua- 'lifications of the electors and the elected, might have 'been ſettled in proportion to the then preſent ſtate of 'things. Such a remedy might have wrought a 'radical cure of the evil which threatens our conſti- 'tution; whereas it is much to be apprehended, even 'from experience, that all others are merely palli- 'ative.'

Brady [a] mentions reſolutions of the houſe of commons, That in all places, where there is neither char- ter,

[a] 1. Of Burghs, 60.

ter, nor immemorial cuſtom, to the contrary, every houſeholder has a right to vote for members. In ſome inſtances, preſcription for confining the right of election to the bailiffs and capital burgeſſes, excluding houſeholders in general, have been diſallowed by the houſe [a]. But the reſolutions of the houſe on this, as on many other points, are often inconſiſtent. *Brady* (who ſhews great fear leſt the people ſhould have any liberty, or power) thinks the commons founded this reſolution ſo favourable to the people, on a miſtake as to the ſenſe of the phraſe, *communitas civitatum et burgorum*; which meant, he thinks, the governing part of cities and burghs, not the houſholders in general. But ſurely it is more for the advantage of liberty, that election be in *many*, than few, hands; as it is harder to *bribe* many than a few.

We ſee what light this grievance of inadequate parliamentary repreſentation has been viewed in by the beſt politicians. If therefore judge *Blackſtone* did, at the time he wrote the 172d page of the firſt vol. of his COMMENTARIES, recollect the miſerable ſtate of repreſentation in our times, it is inconceivable how he could bring himſelf to write as he has done. 'Only 'ſuch are entirely excluded, from voting for members, 'ſays he, as can have no will of their own' [meaning poor and dependent people without property]. 'There 'is hardly a free agent to be found, but what is 'entituled to a vote in ſome place or other in the 'kingdom.' Did the learned judge conſider, what he himſelf has obſerved, that the borough-members are four times as numerous, as the county-members; that a few

[a] *Brady*, I. OF BURGHS, 60.

a few thouſands of electors ſend in the majority of the houſe; that in many places a handful of beggars ſends in as many members as the great and rich county of *York*, or city of *Briſtol?* Did the learned judge conſider theſe ſhocking abſurdities, and monſtrous diſproportions, or did he conſider the alarming influence the court has in parliament, when he wrote what follows, viz. 'If any alteration might be wiſhed, or 'ſuggeſted in the preſent frame of parliaments, it 'ſhould be in favour of a more complete repreſen-'tation of the people.' What! are we to be put off with a cold If, in a caſe where our country lies bleeding to death? 'If any alteration might be wiſhed'—Let us go on then, and ſay, If the deliverance of ourſelves and our poſterity from deſtruction might be wiſhed; if any alteration of what muſt bring us to ruin might be wiſhed—any alteration from a mockery rather than the reality of repreſentation—any alteration from 300 placemen and penſioners ſitting in the houſe of commons—any alteration from a corrupt court's commanding the majority of the elections into the houſe, and of the votes, when in it—any alteration from the parliament's becoming a mere outwork of the court—If it is, at laſt to be doubted, whether the ſaving of our country is to be wiſhed, what muſt become of us? Had a hackneyed court-hireling written in this manner, it had been no matter of wonder. But if the moſt intelligent men in the nation are to endeavour to perſuade the people that there is hardly room for a wiſh; that there is ſcarce any thing capable of alteration for the better, (the judge's four volumes are a continued panegyric) at the very time when there is hardly any thing in

the condition, it ought to be in, at the time when we have upon us every ſymptom of a declining ſtate, when we are ſinking in a bottomleſs gulf of debt and corruption, the ſpirit of the conſtitution gone, the foundations of public ſecurity ſhaken, and the whole fabrick ready to come down in ruins upon our heads—if they who ought to be the watchmen of the public weal are thus to damp all propoſals for redreſs of grievances—*Quo res ſumma loco?* In what condition is this once free and virtuous kingdom likely ſoon to be?

BOOK III.

Of the ſecond Conſtitutional Irregularity in our Parliaments, viz. The exceſſive Length of their Period.

CHAP. I.

Parliaments were originally annual.

'WHERE annual election ends, ſlavery begins,' ſays the author of HISTOR. ESS. ON THE BRIT. CONST. A maxim of equal ſolidity in politics with that of my late amiable friend Dr. *Foſter* in divinity, viz. 'Where myſtery begins, religion ends.' Long parliaments are incompatible with liberty. To give a ſet of men power for a long period of time, is giving them the hint, that they may make themſelves deſpots, if they pleaſe. Kings and grandees are tyrants only becauſe they know they have their power during life. But of the danger of inveterate power I ſhall have occaſion to treat more fully hereafter.

Parliaments, according to *Poſtlethwayte* [a], were originally annual; and antiently all the people voted at elections, till *Henry* VI. enacted, that only freeholders

[a] DICT. II. 413.

ders reſiding in the country, and who had an income of 40 *s.* a year, ſhould vote. 'That parliaments were 'formerly choſen freſh and freſh, is evident; ſince there 'be writs extant for new elections for 80 years ſuc-'ceſſively;' ſays the learned writer of a piece entitled, LIMITATIONS FOR THE SUCCESSOR, &c.[a]

In the *Saxon* times it cannot well be ſuppoſed, that parliaments could be longer than annual, were it only for one reaſon, viz. That the members of their *witena gemots*, or parliaments, were mayors, or officers, who held their offices only one year, at the end of which they were obliged to diveſt themſelves of all power, and to aſſemble the people for new election. 'It was agreed, that a parliament ſhould be held 'twice every year at *London*, and this continued from 'king *Alfred*'s time to that of *Edward* II. as appears 'by *Horn*'s MIRR. OF JUST. chap. 1. ſect. 2.[b]' *A. D.* 1378, a parliament was called, becauſe, among other reaſons, it was conſtitutional, that parliaments ſhould be held annually[c]. The commons, *A. D.* 1640, regret, they had not made parliaments annual, inſtead of triennial. By two ſtatutes, they ſay, they found parliaments once a year ſtill in force[d]. When the triennial bill was eſtabliſhed, in the time of *Charles* I. after an intermiſſion of 12 years, the king, in the genuine ſpirit of a *Stuart*, made a merit of his agreeing to the bill. The commons would not allow it; but inſiſted, that there were then in force two ſtatutes for annual elections. 'The bill for triennial parlia-'ments, ſays *Milton*[e], was but the *third* part of one 'good ſtep towards that which in times paſt was our 'annual

[a] STATE TRACTS, Time of K. *Will.* III. 386.
[b] Ibid. 1. 163. [c] PARL. HIST. 1. 370.
[d] *Rap.* II. 394. [e] *Milt.* EIKON. 64.

'*annual* right.' *Milton* [a] says this triennial bill of which *Charles* made a great merit, was much less than two statutes yet in force of *Edward* III. Nay, in a book, entitled, THE RIGHTS OF THE KINGDOM, the MIRROR OF JUSTICES is quoted, that parliaments by the old laws, ought to be held twice a year. If so, we are deprived of 13 parts in 14 of our antient privilege.

Sir *William Wyndham*, in the debate on the repeal of the septennial act, *A. D.* 1734, gives the true account of this matter. 'At the time of the revolu-'tion, says he, nay at the present time, at all times, 'the word *parliament* in the common way of speaking 'comprehends all the sessions from one election to 'another. That this is the common meaning of the 'word, I appeal to every gentleman in this house; 'and for this reason those patriots, who drew up 'our CLAIM OF RIGHTS, could not imagine that it 'was necessary to put in the word *new*; they could 'not so much as dream that the two words, *frequent* '*parliaments*, would afterwards be interpreted to mean '*frequent sessions* of parliament, but the lawyers, who 'are accustomed to confound the sense of the plainest 'words, immediately found out that a *session* of par-'liament was a *parliament*; and that therefore the 'words *frequent parliaments*, meant only *frequent ses-'sions*. This quirk the lawyers found out immedi-'ately after the revolution; this quirk the courtiers 'at that time caught hold of; and this set the people 'anew upon the vindication of their rights, which 'they obtained by the triennial bill. By that bill the 'right of the people to frequent *new* parliaments was

[a] EIKON. 65.

'eſtabliſhed in ſuch clear terms, as not to be miſun-
'derſtood, and God forgive them who conſented to
'the giving it up [a].'

The anſwer given by the king (that is, the miniſter) to the remonſtranees requeſting the diſſolution of a ſuppoſed corrupt parliament, *A. D.* 1770, was, 'That the remonſtrances were diſreſpectful to his ma-
'jeſty, injurious to parliament, and irreconcileable
'with the principles of the conſtitution.' It were to be wiſhed, that the public had been better ſatisfied of the juſtneſs of this anſwer. Does not the very idea of petitioning imply acknowledgment of *ſuperiority* in the perſon addreſſed to? Were not the remonſtrances addreſſed to the king by his titles of ſovereignty? Was not an appeal to the ſovereign from a ſuppoſed corrupt miniſtry and parliament doing *honour*, nay, was it not doing the *higheſt* honour in the power of the remonſtrants, to the throne, and to the *perſon* of the king, as ſuppoſing, that from him *alone* there was hope of redreſs? Again, what injury to parliaments in *general* was done by requeſting the diſſolution of a *particular* parliament? If the members had acted uprightly, it was to be expected, that their conſtituents (if free) would immediately re-elect them, which inſtead of diſgrace, would have reflected the higheſt *honour* upon them. If indeed it had been confeſſed, that many members, from a conſciouſneſs of their corrupt practices, had reaſon to fear the loſs of their ſeats, the caſe was otherwiſe: but this was too ſhameful to confeſs. Or if it had been ſaid, that a majority of the electors, being dependent on their members, or obnoxious to bribery, would of courſe have rechoſen the ſame men, at worſt the diſſolution of the parlia-

[a] Deb. Com. viii. 190.

parliament would have been nugatory. But it would have ſhewed the people, that the king was willing to liſten to the requeſt of 60,000 of his ſubjects. Laſtly, as to the remonſtrances being irreconcileable with the principles of the conſtitution; it is ſtrange that there ſhould be any thing *unconſtitutional* in requeſting the king to do what the *conſtitution* gives him a *power* to do at *any time*; what *William* III. did in compliance with a petition from one county; what *George* II. did without ſolicitation, and without blame, when he diſſolved one of his parliaments at the end of the 6th ſeſſion, with the view, according to ſome, of preventing the irregularities of a long electioneering time. It is ſtrange that there ſhould be any thing unconſtitutional in the king's *diſſolving* a parliament at the requeſt of 6 times the number and 60 times the property that *made* them a parliament. It is ſtrange, that there ſhould be any thing unconſtitutional in diſſolving a parliament which had ſat *ſeveral* years, when we know, that the *length* of parliaments is one of our greateſt grievances, and that our kings could not any way more effectually ſhew themſelves to be the *friends* of the *conſtitution*, than by regularly diſſolving every parliament at the end of the *firſt* ſeſſion.

CHAP. II.

Brief Hiſtory of the lengthening and ſhortening of Parliament.

PArliaments ſeldom ſat, in former times, many months. 'In one year there were ſometimes 2, 'ſometimes 3 parliaments,' ſays Sir *Simon Dewes* on

the poll-tax before the lords in 1641 [a]. 'The longeſt 'parliament ever yet held,' viz. almoſt a whole year, under *Hen.* IV. was three times prorogued, which was then an innovation [b]. An act was made 4 *Edw.* III. cap. 14, for holding parliaments yearly, or oftener, if neceſſary. Again by 36 *Edw.* III. cap. 10. 'They knew not, in thoſe days, the faſhion of prorogations. Therefore parliaments then were annual. The unthinking people of *Charles* II.'s time were contented if there was no interruption of parliaments, longer than for three years. '*Henry* VIth's reign was the 'firſt, in which prorogations began to be made for 'any time, and they were but very little uſed till '*Henry* VIIIth's time. The uſual way formerly was 'to call a parliament at leaſt once a year, and as ſoon 'as the buſineſs was done, to diſſolve them [d].' *Henry* VIII. firſt lengthened parliament beyond three years, as the moſt effectual means for rendering the members obedient to his will. Annual parliaments were reſtored by *Phil.* and *Mary*, after an intermiſſion of two years [e].

Charles, *A. D.* 1640, makes a mighty merit of giving his aſſent to the bill for triennial parliaments, before any ſubſidy granted to him [f]. Great joy, and both houſes waited on the king with thanks [g]. This ſalutary law was repealed 16 *Car.* II. therefore is not in the STATUTES AT LARGE. The purport of it is to reſtore the laws by which parliaments ought to

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[a] PARL. HIST. IX. 439. [b] Ibid. II. 107.

[c] STAT. AT LARGE, I. 196, 292. PARL. HIST. I. 314.

[d] See REASONS FOR ANNUAL PARL. ST. TRACTS, time of K. *William*, III. 290.

[e] PARL. HIST. III. 341, 349.

[f] *Hume*'s HIST. *Stuarts*, I. 259. PARL. HIST. IX. 218.

[g] PARL. HIST. IX. 220.

to be held annually. It enacts, that if the chancellor does not iſſue out writs, any 12 peers ſhall in the king's name; failing them, the ſheriffs, mayors, bailiffs, &c. ſhall cauſe elections to be made; they neglecting, the electors ſhall proceed as if writs had been regularly iſſued. It had been happy if the people had been conſtituted with authority to make laws, when the legiſlature did not their duty. The preamble to the repeal of this ſalutary law, puts it upon the derogation it is from the king's prerogative. As if the *ſalus populi* were not of infinitely more conſequence than the king's prerogative, whoſe only value is its uſefulneſs to the *people*.

The army demanded, *A. D.* 1647, that parliaments ſhould be triennial, and the diſſolution of them not in the king's power. A repreſentative according to the contributions reſpectively paid to the public by counties; and that improper members be expelled [a]. The army at this time ſeem to have been the moſt reaſonable ſet of men in the nation. Before *Charles* IſT's time the members of the houſe of commons never dreamed of their having power to continue themſelves in office one hour beyond the time limited by their conſtituents.

The author of HISTOR. ESSAYS ON THE ENGL. CONSTIT. is too ſevere againſt the long parliament which oppoſed *Charles* I. They certainly meant honeſtly, having no byaſs to draw them from the public intereſt, though they ſat too long, fearing, perhaps, that their ſucceſſors might not be as faithful as themſelves. It was much more clearly diſintereſted than the protracting of parliament from triennial to ſeptennial for the pretended fear of a jacobite parliament. He ſays it was madneſs in the people to rejoice upon the

[a] *Macaul.* IV. 329.

the king's consenting, for 600,000 *l.* raised for him, not to dissolve parliament without their own consent. This was the first protraction of the period of parliament, and taught ill designing ministers to imitate it. It is an evil of kingly government, that through fear of tyranny, well meaning people have often consented to what was unconstitutional. So in the alteration from triennial to septennial, jacobitism, or an attachment to a race of *kings*, was the cause of the irregularity.

The triennial bill was repealed, *A. D.* 1664, and instead of it a law to prevent parliaments having vacations of more than three years [a]. One would think all memory of *James* I. and *Charles* I. was miraculously obliterated out of the minds of the people of *England*. It was but 15 years before that *Charles* I. was beheaded; and the people (or the parliament at least) were for trusting their all again to kings. The long, or pensioned parliament meets 1661, agreeable to the court, and says *Rapin*, 'without doubt by the influence of the court.' Great part were high church men and royalists. Pensioning begun afterwards, tho' at the beginning of this parliament they shewed a great partiality for the king [b]. The commons threw out a bill for shortening parliaments. The lords send down another: Rejected likewise, *A. D.* 1693 [c]. Parliaments were made triennial by 6 *William* III. *cap.* 2. [d] In that reign they were often dissolved at the end of the first session. 2 *George* I. they were made septennial. The pretence was, the danger of a Jacobite house of commons: The real reason, that they, who were in power, chose to continue in power. The triennial

[a] *Rapin*, II. 635. DEB. LORDS, I. 66.
[b] *Rapin*, II. 625. [c] *Tind.* CONTIN. I. 249.
[d] STAT. AT LARGE, III. 173.

triennial bill receives the royal aſſent, *A. D.* 1694 [a]. And the hiſtorian obſerves, that if our good king had not done it that day (queen *Mary* juſt taken ill of the ſmall-pox, of which ſhe died) it is probable he never would have given it the royal aſſent. So indifferent are even our beſt kings about bills tending to the enlargement of the people's liberty. At the ſame time, it muſt be owned, *William* had ſome reaſon to dread a change of parliaments. The abbe *Reynel* tells us [b], that when this triennial bill was under conſideration, queen *Mary* deſired lord *Bellamont*, her treaſurer, to oppoſe it. He refuſed. He was deſired only to be *neutral*. He proved, on the contrary, very active in *promoting* the bill. The queen diſmiſſed him from his poſt. He retired to privacy and frugality. The queen, overcome by his obſtinate virtue, offered him a penſion. He declined it, ſaying, He had no right to a reward, as he did no ſervice. It is wonderful, that *George* I. ſhould ſo eaſily obtain the repeal of ſo favourite an act. A ſtrong clauſe was added by the lords to the bill of rights, excluding effectually all popiſh ſucceſſors to the throne. Paſſed *eaſily* by the commons, which looks as if the tory and popiſh parties had not been ſo ſtrong in the houſe and kingdom as thoſe who brought in the ſeptennial bill pretended. This was *A. D.* 1689, and ſeptennial parliaments were eſtabliſhed *A. D.* 1716 [c]. It is hardly to be imagined that there ſhould be more danger from Jacobitiſm in 1716 than in 1689, the very year after *James*'s abdication. All this ſhews how flimzy the pretences are for what is big with ſo much evil. So *Julius Cæſar*

[a] *Tind.* CONTIN. I. 260.
[b] HIST. PARL. ENGL. 272.
[c] *Tind.* CONTIN. I. 55.

Cæsar was appointed, by the senate and people of *Rome*, dictator for 6 months. He made himself perpetual dictator. All the world condemns this tyrannical proceeding. The house of commons, 2 *George* I. was elected, as usual, for three years. They elected themselves for four years more, without leave of their constituents, given, or even asked! O! but the danger of a Jacobite parliament, if a new election was brought on! True. And in the same manner *Cæsar*, in his civil war, tells us, he feared *Pompey*'s tyranny; if he himself resigned the dictatorial power. Some authors tell us, the septennial act was made on purpose to save an odious ministry, who dreaded a new and incorrupt parliament. Thirty lords (even lords!) protested against the septennial act. And Mr. *Snell* told the house of commons, they might as well make themselves perpetual at once, as continue themselves one month beyond the time, for which they were elected.

It was a singular modesty in the lords to originate in their house an act relating to the commons. Therefore lord *Guernsey* moved the commons, to throw it out of the house, without reading it. It was answered, That the triennial act had originated in the house of peers. [But if they were allowed to make a *salutary* proposal concerning what they had nothing to do with, it does not follow, that they are to be suffered to go out of their way to do *mischief*[a].] Carried 276 to 156 for a second reading, the *Tuesday* after. Petitions were sent from many towns against it. And when this self-prolonged parliament (which, says the author of the USE AND ABUSE OF PARLIAMENT[b], 'went farther in impoverishing and enslaving

[a] DEB. COM. VI. 68. [b] I. 251.

'ing their fellow-ſubjects, than all their predeceſſors 'from the reſtoration,') came at laſt to be diſſolved, the cities of *London* and *Weſtminſter*, with bells, bonfires, illuminations, and every other demonſtration of joy, celebrated its demiſe, as a deliverance from their worſt enemies.

The motion for repealing the ſeptennial act, *A. D.* 1742, was oppoſed by *Pultney* and *Sandys*. (I ſuppoſe the patriots were afraid a new parliament might not be ſo ſtaunch againſt Sir *Robert*.) Rejected, 204 againſt 184. The propoſal was made by Sir *John Barnard*, which gives me a better opinion of him, than of *Pultney* and *Sandys* [a].

A. D. 1744, a motion was made for annual parliaments [b]. Paſſed in the negative 145 to 113. Therefore 113 thought it right. Let not then the propoſal of annual parliaments be thought *romantic*.

A motion was made, *A. D.* 1747, for leave to bring in a bill for ſhortening the term and duration of future parliaments: 'a meaſure truly patriotic, againſt 'which no ſubſtantial argument could be produced, 'although the motion was rejected by the majority, 'on the pretence that whilſt the nation was engaged 'in ſuch a dangerous and expenſive war, it would 'be improper to think of introducing ſuch an altera-'tion in the form of government [c].' This was ſetting common ſenſe upon its head. The danger of the times is the very beſt reaſon for making ſalutary alterations, and aboliſhing *dangerous* abuſes.

Parliament was diſſolved at the end of the 6th ſeſſion, 1747, for a whimſical reaſon, according to ſome, *viz.*

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[a] Deb. Com. xiii. 219.

[b] *Alm.* Deb. Com. ii. 1—63. [c] Ibid. v. 221.

viz. becauſe the *Dutch* were in doubt, whether *Britain* would perſevere in her ſchemes, which were favourable to them, if the ſame parliament continued to ſit. I ſhould have thought the danger of a change of counſels was in caſe of a *change* of parliament [a]. Some ſaid, as above obſerved, it was done to ſhorten the time, and leſſen the miſchiefs of electioneering. The king in his ſpeech pretends that he diſſolved the parliament to ſhew his intire confidence in the affections of his people, and that he did not depend merely on a particular ſet of men in the houſe of commons [b].

Thus it appears that parliaments were originally renewed *every year*, and that a parliament and a ſeſſion were the ſame thing. That they held on in this way with little variation, to the times of *Henry* VIII. That annual parliaments were reſtored under *Philip* and *Mary*. That they were made triennial, *A. D.* 1640. That in the time of the troubles under *Charles* I. they were very irregular, and protracted to an enormous length; the houſe of peers aboliſhed, and the rump, or remainder of the commons, kicked out by *Cromwel*. That under *Charles* II. *A. D.* 1664, the triennial bill was repealed, and the period of parliaments left to the arbitrary pleaſure of the prince. That his long, or penſioned parliament met, *A. D.* 1661, and ſat above 18 years. That the period of parliament was reduced back to triennial 6 *William* III. *A. D.* 1694 [c]. And that, *A. D.* 1716, 2 *George* I. they were protracted to ſeptennial, at which period they have continued ever ſince, in ſpite of innumerable remonſtrances againſt a grievance ſo univerſally confeſſed, and ſo notoriouſly miſchievous. Of which more fully elſewhere.

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[a] *Alm.* Deb. Com. iii. 52. [b] Ibid. 54.
[c] Stat. at Large, iv. 675.

CHAP. III.

Example of ſeveral Nations, who have ſhewn a fear of inveterate Power.

SOME few nations have ſhewn ſome ſmall degree of apprehenſion from power continued in the ſame hands, knowing, that there can be no liberty, unleſs they, who make the laws, be well aſſured that they ſhall come, by and by, to be ſubject to their own laws.

Ariſtotle[a] mentions, as the chief cauſe of the ſubverſion of free ſtates, their deviating from the principles, on which they were originally conſtituted. Περι δε σοτηριας, κ. τ. λ. He tells us, the *Thurians* had a ſalutary law, by which the ſame perſon could not be twice prætor without an intermiſſion of five years. They ſuffered this law to be abrogated. Their ſtate, from that fatal time, declined to its ruin[b]. Συνεξη δε τατο, κ. τ. λ.

The *Athenians* finding that their kings, truſting to the perpetuity of their power, began to ſtretch prerogative, aboliſhed the regal office, and ſet up *archons*, who were to reign 10 years, and then to be ſubjects. But the people finding even this period [which is not much beyond that of our parliaments] too long, changed their plan of government, and appointed 9 *archons*, to reign one year[c]. The *Athenian epiſtates*, the chief of the *prytanes*, was in office only one day, and never more than once[d]. The 10 *coſmi*, or ſupreme magiſtrates of the *Cretans*, were annual[e].

All

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[a] POLIT. v. 8. [b] Ibid.
[c] *Ubb. Emm.* DE REP. ATHEN. 1. 16.
[d] *Ant. Thyſ.* DE REP. ATHEN. 251.
[e] *Ubb. Emm.* 11. 63.

All the magiſtrates of the *Ætolians* were annual [a]. The king and people of *Epirus*, during the age of their liberty, were accuſtomed to meet once in the year, the king to renew his coronation oath, and the people their allegiance [b]. The *Carthaginian ſuffetes*, or chief magiſtrates, held their power only one year [c]. *Livy* tells us, that the *Carthaginians* found two years too long a period for their prætors to have power. They therefore made that office annual. The *Corinthian prytanes* were annual magiſtrates [d].

Three brothers having enjoyed the conſulſhip ſeven years ſucceſſively, a regulation was made, that neither conſul nor tribune ſhould be in office above one year [e]. In *England*, a great family commands the elections of members for one or ſeveral boroughs, from generation to generation. The *Romans* never choſe a dictator, but in extreme danger, and when expeditious meaſures alone could ſave the ſtate, and only for 6 months. They appointed ſeveral times a dictator to drive an expiatory nail into the wall of *Jupiter*'s temple. But he held his office only one day. The wiſe *Romans* would truſt power no longer than was neceſſary. The authors of the ANT. UNIV. HIST. give the following account of the office of dictator among the *Romans*; 'This ſupreme officer 'was called dictator, either becauſe he was *dictus*, 'that is named by the conſul, or from his dictating 'and commanding what ſhould be done. No one 'could be created dictator till he had been conſul. 'The time aſſigned for the duration of the office was 'the ſpace of ſix months. As to the perpetual dicta-

'torſhips

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[a] *Ubb. Emm.* II. 251. [b] Ibid. II. 276.
[c] Ibid. II. 4. [d] Ibid. II. 102.
[e] ANT. UNIV. HIST. XI. 466.

'torſhips of *Sylla* and *Julius Cæſar*, they were notorious 'uſurpations, and violations of the laws of their coun-'try. The dictator was not allowed to march out of '*Italy*, leſt he ſhould take advantage of the diſtance 'of the place to attempt ſomething againſt the com-'mon liberty. He was always to march on foot, 'except in caſe of a tedious and ſudden expedition, 'and then he formally aſked leave of the people to 'ride. In all other things his power was abſolute and 'uncontrouled. He might proclaim war, levy forces, 'lead them out, diſband them, &c. without conſult-'ing the ſenate. He could puniſh as he pleaſed; and 'from his judgement lay no appeal. To make his 'authority more aweful, he had always twenty-four 'faſces with axes carried before him, if we believe *Plu-'tarch*, and *Polybius*. *Livy* aſcribes the firſt riſe of 'this cuſtom to *Sylla*. The authority of all other 'magiſtrates ceaſed, or was ſubordinate to him. He 'had the naming of the general of the horſe, who was 'wholly at his command. When his authority expired, 'he was not obliged to give an account of any thing 'he had done during his adminiſtration.' [And we know accordingly what tyrants the dictators proved.] 'In ſhort, the dictatorſhip was a kind of abſolute 'monarchy, though not durable, and was looked upon 'as the only refuge of the commonwealth in time of 'danger, till *Sylla* and *Cæſar* converting it into a tyran-'ny, rendered the name of dictator odious, inſomuch 'that, upon the fall of the latter, a decree paſſed in 'the ſenate, forbidding the uſe of that dignity upon 'any account whatſoever for the future.'

The greater the power is, ſays *Livy*, the ſhorter ought to be the time of holding it. Nothing is more advantageous for a ſtate, ſays *Seneca*, than that great power be ſhort. When the *Carthaginian* judges were

found to have made a bad use of their power, which was for life, *Hannibal* obtained a regulation, reducing it to annual.

The *Romans*, in their best times, jealous of those who assumed power, had almost condemned *Marcius* to death for assuming the title of proprætor given him by the army, but without authority of the senate, though he had just then gained a glorious victory in *Spain* [a].

Cicero, in his book, DE LEGIB. says, the following was an express law among the *Romans*, 'Eundem 'magistratum, &c. Let no man bear the same office 'in the republic twice without an interval of 10 years 'between.' It is true the people often broke through this wise regulation, and suffered power to be too often, and to continue too long, in the same person, or family, as in the case of *Rutil. Censorius* created censor twice together, and of *Fabius*'s son made consul, after that authority had been often conferred on the father, so that he himself declared against the people's partiality for his family. 'The last *Roman* 'decemviri, though chosen by their country but for a 'year, prolonged their term by their own act, and 'retained the power they had usurped, till the people 'forced it out of their hands, and punished them 'severely for their usurpation. Their memory stands 'branded in history with all the infamy it deserves; 'while the names of *Valerius* and *Horatius*, under 'whose conduct the people recovered their right of 'electing annual magistrates, are celebrated by their 'historians with all the praises that gratitude can 'yield, or merit claim, monuments more lasting than 'brass or marble [b].'

Quinc-

[a] ANT. UNIV. HIST. XII. 295.

[b] PREP. FRAGM. POLYB. XVI.

Quinctius foresaw the bad consequences of suffering power to continue long in the same hands. Therefore he refused to be continued in the consulship beyond his year. In consequence of too long a continuance of power in the same hands, *Sylla* and *Marius* attached to themselves the army in such a manner as grievously disturbed, and *Cæsar* as ruined *Rome*.

Augustus, at the point of death, gave his will to his collegue in the consulship. And some supposed, he intended to restore the republican government. But recovering he went on as before, like presumptuous sinners, who escaping from illness, soon forget their sick-bed repentance [a].

Observe the consequence of a contrary conduct. The *Romans* in their degenerate times became fearless of the loss of liberty. Though *Sylla* foretold, that *Julius* would be found to have many *Mariuses* within him; though *Cæsar* openly bribed for the office of *pontifex maximus*, or chief priest, or, if you please, pope of *Rome*; though he defended *Catiline* the conspirator and his crew, (with whom he was accused of being an accomplice) till a band of equestrians drew their swords upon him, and had almost killed him; though he was accused of a conspiracy with *Crassus*, *P. Sulla*, and *Autronius*, to murder those senators, who opposed their ambitious views, and to seize the consulship for *Crassus*, and the command of the horse for himself; though he was accused of another plot with *Piso*; though he behaved so ill in his prætorship, that the senators thought it necessary to take his office from him; though he refused to abdicate in obedience to the decree of the fathers, till he saw, that he would be driven from the bench by force; though he treated

[a] Ant. Univ. Hist. xiii. 496.

Bibulus, his collegue in the conſulſhip, with ſuch rudeneſs that he forced that meek ſpirited man to retire, after which he reigned alone as abſolutely as any tyrant, impriſoning the beſt men of *Rome*, as *Cato*, and others, whenever they oppoſed his tyranny; though *Julius*, I ſay, thus gave innumerable proofs of that lawleſs ambition, which afterwards overthrew the liberties of his country, yet the too credulous people advanced this apparently dangerous citizen to the higheſt honours, and, giving him the province of *Gaul* for five years, and the command of the army, with their own hands put into his the ſword with which he ſtabbed liberty to the heart. Even after the conſul *Marcellus* faithfully warned the ſenate, that it was hazarding all that was valuable, to continue him in his command; and that it was abſolutely neceſſary for the public ſafety, that the formidable army ſhould be diſbanded; there were ſtill *Romans* (degenerate *Romans!*) treacherous enough, and ſlaviſh enough, to ſupport the man who, they knew, or ought to have known, was laying meaſures for ſubduing their country [a].

The people of *Taprobane*, ſuppoſed to be *Ceylon* in *India*, choſe for their king a perſon who had no children, and if he happened to have children afterwards, they depoſed him, leſt the crown ſhould become hereditary, and power become inveterate in one family [b]. The officer, who had in his cuſtody the ſeals, and keys of the citadel and treaſury, held his place but one day.

The antient brave and free *Arragonians*, juſtly fearing the encroachment of kingly power, appointed a magiſtrate called, in modern times, the *juſtizia* of

[a] Sueton. in Jul. §. 28, 29.
[b] Ant. Univ. Hist. xx. 103.

of *Arragon*, who was to come between the king and the people, and to whom the ſubjects might appeal, when injured by the king. This magiſtrate was to be the ableſt lawyer in the country. And a king, who oppoſed his explanation of the ſenſe of the law, was to be looked upon as a lawleſs tyrant. But about *A. D.* 1467, the *juſtizia* himſelf was found to have abuſed his power. The *Arragonians* therefore found it neceſſary to put his deciſions under the examination of 17 men choſen out of the four orders of the kingdom [a]. It may, I believe, be ſafely affirmed, that all the free ſtates of antiquity, in their free times, made a point of giving no longer than annual authority to their magiſtrates.

'At *Venice*, *A. D.* 1298, an act paſſed in the great 'council, which till then was annually choſen by the 'people, That all thoſe of which it was that year 'compoſed, or who had been members of it for the 'four laſt years, ſhould, upon their obtaining twelve 'voices in the council of forty, be themſelves, and 'their poſterity for ever after, members of it; and that 'all the other citizens ſhould be for ever excluded 'from the adminiſtration of public affairs. From 'this time the people of *Venice*, like all others under 'the ſame circumſtances, have found how dangerous 'it is to be uſeleſs, and that to have no ſhare in the 'government is to be a prey to thoſe who have [b].'

The *Florentines*, offended at the long continuance of power in the *Medici* family, inſiſted that it was neceſſary 'to reſtore the conſtitution to its firſt principles, 'by reſtoring the magiſtrates to their regular functions in the government [c].'

[a] *De Laet*, HISP. DESCR. 127.
[b] PREF. FRAGM. POLYB. xvi.
[c] MOD. UNIV. HIST. XXXVI. 307.

No preſident could be choſen at *Florence* in leſs than three years from his laſt ſervice [a]. By this means poſts of honour were attainable by moſt of the citizens, and no man or party could become inveterate in power, and reſponſibility was ſtill in view.

The *Florentines* ordered, about the beginning of the 16th century, that the office of gonfalonier or chief magiſtrate ſhould from that time be annual, and that the council ſhould be enlarged by the addition of all who had gone through the great offices of ſtate, either at home or abroad; the number before was but 18 [b]. Power ſhould be widely diffuſed, and continually ſhifting from hand to hand.

Cardinal *Richelieu*, in his TESTAM. POLIT. condemns the cuſtom in *France*, of appointing the governors of provinces for life [c].

At *Venice* the doge, not being an abſolute ſovereign, has not power to take off, or put on his ducal crown when he pleaſes. The *conſiglieri*, or counſellors of *Venice*, are choſen for 8 months. The *capi di quaranta*, or heads of the courts of 40 judges, are choſen by the ſenate for two months. The *ſavii del conſiglio*, or ſages of the council, ſerve 3 months; the *ſavii di terra firma*, or ſages of the continent, 6 months. Five *ſavii agli ordini*, or ſages of order, are likewiſe choſen by ballot in the ſenate for 6 months each [d].

The khalif *Omar* would not nominate his ſon for his ſucceſſor, nor even ſuffer him to have a vote for the ſucceſſor. It was enough, he ſaid, for one family to have one in the important office of khalif [e].

A doge

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[a] MOD. UNIV. HIST. xxxvi. 45. [b] Ibid. 433.
[c] *S. Pierre*, OUVR. POLIT. xvi. 25.
[d] *Cole*'s MEM. 16. [e] MOD. UNIV. HIST. i. 516.

A doge of *Lucca* cannot be re-elected in leſs than 7 years. The ſenators are elected every two months. The great council of 130 nobles and 10 burghers hold their places 2 years. Their police is very attentive to the ſuppreſſion of luxury [a].

'There is, ſays my honoured friend Mr. *Boſwel*, in 'the government of *Corſica*, a gradual progreſſion of 'power flowing from the *people*, which they can 'diſpoſe of, and reſume at their pleaſure at the end of '*every year*; ſo that no magiſtrate, or ſervant of the 'public, of whatever degree, will venture, for ſo 'ſhort a time, to encroach upon his conſtituents, know-'ing, that he muſt ſoon give an *account* of his admini-'ſtration, and if he ſhould augment the authority of 'his office, he knows, he is only wreathing a yoke 'for his *own* neck, as he is immediately to return to 'the ſituation of an ordinary ſubject [b].'

When the throne of *Poland* becomes vacant, the primate archbiſhop of *Gneſna*, obtains a greater power than the king had; but this gives no jealouſy, becauſe he has no time, before a king be choſen, to make himſelf formidable [c]. The *Parmeſans* uſed to change their podeſta twice a year [d]. The directors of the *Dutch Eaſt-India* company are obliged every third year, to give an account to the ſtates general of their whole proceedings [e].

A noble ſtand was made by the citizens of *Dublin* [f], for obtaining a limitation of the period of their par-

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[a] Mod. Univ. Hist. xliii. 445.
[b] *Boſwel*'s Account of Corsica, p. 154.
[c] Mod. Univ. Hist. xliii. 526.
[d] Ibid. xxxvii. 124. [e] Ibid. x. 571.
[f] See Whitehall Even. Post, May 27, 1766.

liaments. They have accordingly, *viz. A. D.* 1768, obtained a reſtriction of them to eight years. Some of the candidates they obliged to ſwear, that they would vote for this abridgment, before they elected them.

CHAP. IV.

Example of the Engliſh, *in ſome Inſtances, ſhews an Apprehenſion of Danger from inveterate Power.*

EVEN the *Engliſh*, who are deſcribed by a humorous author, as a people of great faith and little wit, that is, *fore thought*, have occaſionally ſhewn ſome little fear of the miſchief to be expected from power inveterating in the ſame hands.

'For the general government of the country, the 'antient *Saxons* [our anceſtors] ordained 12 noblemen 'choſen from among others for their worthineſs and 'ſufficiency. Theſe in the time of peace, rode their 'ſeveral circuits, to ſee juſtice, and good cuſtoms ob-'ſerved, and they often of courſe, at appointed times, 'met all together to conſult and give order in publick 'affairs; but ever in time of war one of theſe twelve 'was choſen to be king, and to remain ſo long only as 'the war laſted; and that being ended, his name and 'dignity of king alſo ceaſed, and he became as before; 'and this cuſtom continued among them until the time 'of their wars with the emperor *Charles* the Great. 'At which time, *Wittekind*, one of theſe twelve, a 'nobleman of *Angria* in *Weſtphalia*, bore over the reſt 'the name and authority of king; and he being after-'ward, by means of the ſaid emperor, converted to the

'faith of Chriſt, had by him his mutable title of 'king turned into the enduring title and honour of 'duke, and the eleven others were in a like manner by 'the ſaid emperor advanced to the honourable titles of 'earls and lords, with eſtabliſhment for the conti-'nual remaining of theſe titles, and dignities unto 'them, and their heirs: of whoſe deſcents are ſince 'iſſued, the greateſt princes in *Germany* [a].'

The 24 barons, who were to redreſs grievances in the time of *Henry* III. proved 24 tyrants; the conſequence of truſting power in the hands of a *few*. Accordingly the knights of the ſhires were obliged to curb the tyranny of the reforming barons.

Enacted 1 *Henry* V. that no ſheriff be again ſheriff in leſs than three years [b]. By 1 *Henry* V. *cap.* 4. 'ſheriffs bailiffs ſhall not be in the ſame office in three 'years after [c].' By 28 *Edward* III. 'no ſheriff ſhall 'continue in his office above one year [d].' And by 1 *Rich.* II. 'none that hath been ſheriff, ſhall be ſo 'again within three years [e].' Enacted, *A. D.* 1444, that 'to prevent oppreſſion and exactions, no man 'ſhall be ſheriff or under-ſheriff of a county, above 'one year at moſt, on pain of forfeiting 200 *l.*' [f]

Our anceſtors were cautious of allowing power to remain too long even in the hands of ſearchers, gaugers, aulnegers [public meaſurers of manufactures,] cuſtomers [cuſtom-houſe officers] *&c.* [g] 'A ſearcher, gau-'ger, *&c.* ſhall have no *aſſured* eſtate in his office.'

In the commiſſion for the admiralty and navy, it was provided, that no chairman continue in office above a fortnight

[a] *Verſtegan*'s ENGL. ANTIQ. 62.
[b] PARL. HIST. II. 132.
[c] STAT. AT LARGE, I. 450.
[d] Ibid. 266. [e] Ibid. 314. [f] *Rapin*, I. 569.
[g] See 17 RICH. II. cap. 5. STAT. AT LARGE, I. 387.

fortnight together, and all commanders to take their turns [a].

Even the king-killing parliament were ſenſible of the evil of too long parliaments. 'To prevent the 'many inconveniencies apparently ariſing from the long 'continuance of the ſame perſons in ſupreme authority, 'reſolved, That this preſent parliament diſſolve upon, 'or before the laſt day of *April*, 1649.' And their ſelf-denying ordinance ſhews that the general opinion of thoſe times was for a place-bill. And the ſame of adequate repreſentation [b].

CHAP. V.

Senſe of Mankind on inveterate Power; or Arguments for ſhort Parliaments.

I Will throw together in this chapter ſome of the beſt arguments for ſhort parliaments, that have occurred to me in the courſe of my reading. I hope the reader will excuſe any deficiencies he may find in the arrangement of them.

To take the character of man from hiſtory, he is a creature capable of any thing the moſt infernally cruel and horrid, when actuated by intereſt, or what is more powerful than intereſt, paſſion, and not in immediate fear of puniſhment from his fellow-creatures; for damnation lies out of ſight. Who would truſt ſuch a miſchievous monkey with ſuperfluous power?

Simia quam ſimilis turpiſſima beſtia nobis! OVID.

The love of power is natural; it is inſatiable; it is whetted, not cloyed, by poſſeſſion. All men poſſeſſed of

[a] PARL. HIST. XXII. 65. [b] Ibid. XVIII. 526.

of power may be expected to endeavour to prolong it beyond the due time, and to increase it beyond the due bounds; neither of which can be attempted without danger to liberty. Therefore government (by such frail and imperfect creatures as men) is impossible without continual danger to liberty [a]. Yet we find that men in all ages and nations have shewn an astonishing credulity in their faithless fellow-creatures; they have hoped against hope; they have believed against the sight of their own eyes.

Were any foreigner of good understanding to be asked, what he thought would be the consequence of our commons being elected by so small a number of the people, and of their sitting for seven years, he would answer, that without a reformation of these irregularities, the *British* government must unavoidably run into an aristocracy, or tyranny of a few, the most odious of all forms of government. Yet the good people of *England* sleep very sound; and foreigners admire and envy our form of government. The truth is, that neither foreigners nor *English* consider much besides the *theory* of our constitution. They admire what it ought to be, and would be, if we had the true spirit of it, while they have reason to execrate it as it is in our times, and to look forward with horror on what it is like to end in.

'We know by infinite examples and experience, 'says the excellent *Gordon*, that men possessed of 'power rather than part with it, will do any thing, 'even the worst and the blackest, to keep it; and 'scarce ever any man upon earth went out of it as 'long as he could carry every thing his own way in 'it;

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[a] See *Bolingbr.* REM. HIST. ENGL. 9.

'it; and only when he could not, he resigned; I 'doubt that there is not one exception in the world to 'this rule; and that *Diocleſian*, *Charles* the Vth, and 'even *Sylla*, laid down their power out of pique and 'diſcontent, and from oppoſition and diſappoint-'ment; this ſeems certain, that the good of the world 'or of their people, was not one of their motives 'either for continuing in power, or for quitting it. 'It is the nature of power to be ever incroaching, and 'converting every extraordinary power, granted at 'particular times, and upon particular occaſions, into 'an ordinary power to be uſed at all times, and when 'there is no occaſion; nor does it ever part willingly 'with any advantage. From this ſpirit it is, that oc-'caſional commiſſions have grown ſometimes perpe-'tual; that three years have been improved into ſeven, 'and one into twenty; and that when the people have 'done with their magiſtrates, their magiſtrates will 'not have done with the people [2].'

It is juſtly obſerved by judge *Blackſtone*, that the greateſt ſuperiority any man can obtain over another, is to make laws, by which he ſhall be bound. And ſurely the greater the power, the greater danger of its becoming inveterate in the ſame hands.

A wiſe people will not ſuffer combinations of great families. The monopoly of power is the moſt dangerous of all monopolies. An *Athenian* was baniſhed by the oſtraciſm, if 6000 citizens all of at leaſt 60 years of age agreed, that it was neceſſary. Nor was it inflicted or ſuffered as a *puniſhment*, but was underſtood as a wiſe *precaution*, for the good of the whole, againſt the exorbitant popularity, and dangerous power of a few.

No

[2] Cato's Lett. iv. 82.

No body is willing to part with power, and all are for increasing what they have. The prince of *Orange* (afterwards king *William* III.) shews great anxiety about *James* IId's being limited. 'It was, he said, 'of bad example, and subjects might think of limit-'ing protestant kings, if they begun with popish [a].'

The following, to the end of this paragraph, is chiefly abridged from REASONS FOR ANNUAL PARLIAMENTS. 'For the amending, strengthening, and preserving of 'the laws, parliaments ought to be held frequently.' Words of the act for declaring the rights of the subject at the beginning of the revolution. Frequent parliaments must mean frequent *elections*; for frequent meetings of parliament without new elections would be an evil, rather than an advantage. *Alfred* [b] ordered, 'that parliament should meet twice a year or oftener.' There are statutes three times in the reign of *Edward* III. 'that parliament should be held once 'a year or oftener.' To the same purpose, in the time of *Rich.* II. Prorogations of parliament were then unknown. They began under *Henry* VI. Little used till *Hen.* VIII. *Will.* III. was blamed for so many officers in parliament. The king has power to chuse his officers and servants; but the servants and representatives of the *people* ought not to be the *king*'s servants: who can serve two masters? If votes are purchased by places, and members are more than reimbursed their own shares of the public taxes, they become interested to load the people, in order to fill their own pockets. Accordingly let it be considered what a load might now be taken off from the people by annihilating useless places and corrupt pensions.

A man

[a] *Dalrymp.* MEM. II. 307.

[b] MIRROR OF JUSTICES, chap. I. sect. 3.

A man may at one time be fit for being a repreſentative, who is not ſo at another. He may go into the houſe in independent circumſtances. In three years, extravagance learned at *London* may beggar him. Were parliaments annual, the chance of this would be as 1 to 7. By a few mens monopolizing legiſlative power, 6 times the number 558, or 3,348 are in every parliament excluded from practically learning parliamentary knowledge, and underſtanding the intereſts of their country, beſides their being excluded from what they have an equal natural right to, with the 558, who were choſen, i. e. who bought their ſeats.

Short parliaments would give the people an opportunity of knowing more of the ſtate of things both at home and abroad, than long ones. 558 gentlemen do not know ſo much as ſeven times that number, or three times that number. Long parliaments are particularly favourable to corruption. A virtuous man could not be debauched in a year's ſitting in St. *Stephen*'s chapel. *Nemo repente fuit turpiſſimus.*

Vice is a monſter of ſuch frightful mien, &c.
Pope.

Length of parliaments deſtroys all reſponſibility, makes our delegates our maſters, and erects them into an auguſt aſſembly, whom we muſt not approach but in the humble guiſe of petition. Short parliaments would be clear of ſuſpicion, and nothing would more promote confidence between king and people than freedom from ſuſpicion of court influence. If our kings are indifferent about the people's confidence, we are in the caſe of the people of *France*, whom the king can plunder at will. Can the people be free from ſuſpicion, when they ſee ſome hundreds of placemen in the houſe? They muſt be a nation of idiots, if they were.

With

With what honeſt views can the court deſire long parliaments? Parliamentary ſlavery is ſlower, but ſurer than *quo warrantos*, and the other oppreſſive acts of tyranny, which alarm the people and defeat themſelves. So *Cha.* II. had almoſt ruined all by his long penſioned parliament, whoſe very length qualified it for penſioning. All wiſe nations, and all good princes have approved of frequent meetings with their parliaments and diets. Our *Edwards* and *Henries* often put a ſtop to the courſe of their victories to meet parliament. The *Spaniards* were peculiarly cautious about the frequency of their ſtate meetings. Their *Sanchos*, *Henries*, *Ferdinands*, and *Charles's* were very careful of this. Under *Charles*, who was particularly exact in this reſpect, the *Spaniſh* monarchy was moſt flouriſhing. His ſon *Philip* purſued a contrary plan of encroachment on the people, and firſt eclipſed the glory of the monarchy. In *France*, under *Clovis*, *Pepin*, *Charlemagne*, *Capet*, and his ſucceſſors for ages, the meetings of the ſtates were cheriſhed. *Lewis* XI. and moſt of his ſucceſſors have promoted the contrary ſcheme of government, without the people. The conſequences have been continual inſurrections, tumults, and leagues. The ſubjects have often returned with intereſt on the heads of their ambitious princes, the damages they have ſuffered at their hands, which has reduced the kingdom to extreme diſtreſs. The ſtruggles of the parliament of *Paris*, and people of *France*, during the minority of this preſent king, to recover their loſt liberties, ſhew the precarious ſtate of deſpotic monarchs. When *Germany* was expoſed to unſpeakable miſeries from the *Hungarians*, *Sclavonians*, *Vandals*, and *Danes*, the remedy was eſtabliſhing frequent and annual diets by the golden bull, under *Charles* IV, wherein the imperial cities and Hanſe towns

towns took care to ſend new deputies to every new diet, leſt they ſhould be bribed by the imperial miniſters. *Holland*, and *Switzerland*, though improveable in many points, are very careful on this head, and by the frequency of the aſſemblies of their ſtates, have been ſecure.

Harrington labours to ſhew, that all well-conducted ſtates have avoided the error of ſuffering power to continue too long in the ſame hands. And he quotes *Machiavel*, who aſcribes the ruin of the *Roman* commonwealth, to the want of an agrarian law, and the damage, which accrued from the prolongation of power in the ſame hands [a].

Dr. *South* gave out his text, 'The word of the 'Devil, which I would recommend to your ſerious 'attention at this time, is written in the IId chapter 'of *Job*, and the 4th verſe, "All that a man hath "will he give for his life," &c. The jacobites moved, *A. D.* 1693, for a place-bill, and ſhort parliaments. And there were men, who, in the apoſtle *Paul*'s time, preached *Chriſt* from contention. But truth is truth, if the Devil had ſpoke it, and chriſtianity is a good religion, though ſome have preached it from contention. So a place-bill, and ſhort parliaments are ſalutary meaſures, though the jacobites propoſed them from party-views. The former was paſſed by the commons, but rejected by the lords; the latter paſſed both houſes, but was denied the royal aſſent. The lords threw out the bill for incapacitating placemen from ſitting in the houſe, becauſe it would ſeem too great a reſtraint on the people's liberty of choice. But this is a frivolous objection. For as the law ſtands now, the people are *reſtrained* from chooſing perſons

[a] Oceana, p. 318.

perſons unqualified as to fortune, and thoſe who hold certain places; and all the evil is, that the people are not *more* reſtrained in their choice of improper perſons.

'Acts of parliament derogatory from the power of 'ſubſequent parliaments, bind not,' ſays *Blackſtone*[a]. Therefore ſhort parliaments are deſirable. It is impoſſible, in many caſes, to foreſee what the effect and operation of an act of parliament will prove. And if a bad law muſt continue in force ſeven years (the ſame parliament will not perhaps like to repeal its own law) the ſubjects may be heavy ſufferers.

The length of parliaments dejects the ſpirits of the few patriots who are ſtill left. At the ſitting down of a new parliament they loſe all hope of redreſs, for many years. And the depreſſion of their courage is the triumph of the court, and gives them opportunity for rivetting the chain.

If our parliaments were annual, it might be as well, that our miniſtries, and the reſt of the executive, were more permanent. For an honeſt parliament (and an annual parliament, with excluſion by rotation, could have no intereſt to be other than honeſt) would oblige the executive to act according to juſtice, and the public intereſt, which would ſecure the public ſafety. The reducing our parliaments to independency on the court, would confound the enemies of this country. For it would ſhew the world, that the court had no indirect deſigns. And no nation can hope to injure *Britain*, if her government is true to her.

Walpole, *A. D.* 1735, when the houſe was moved about ſhortening parliaments, ſaid, It would be dangerous; for that it would make the government democratical by giving factious men too much game to play.

[a] Comm. 1. 90.

play. This was truly *Walpolian*, that is jeſuitical, reaſoning. In whoſe hands ought the power to be? In thoſe of a corrupt *court?* will it be ſafer there than in the hands of the original proprietors, I mean the *people?* Is the court likely to conſult the people's intereſt with more diligence and fidelity than the people themſelves? The court may be rich, though the nation be ruined. But if the nation be ruined, what is to become of the people?

The unembarraſſed modeſty of a thorough-paced courtier ſticks at nothing. *Pelham* formally ſets himſelf [a] to prove (in oppoſition to the ſenſe of all that ever thought, ſpoke, or wrote upon government) that 'it is an advantage of our conſtitution, that a perſon 'may be in a ſtation of power his whole life, becauſe 'the attachment of the people to their king and royal 'family, will *always* prevent any bad effects from his 'ambition, and the controul of a maſter, or ſovereign,' [however ill-diſpoſed, or however miſ-led, the ſovereign may be] 'as well as of two houſes of parliament,' [however corrupt the parliament may be] 'will *always* prevent his being guilty of very enormous practices, or will, at all times, even when he 'is in the zenith of his power, be able to diſcover 'and puniſh them, if he ſhould.' But wiſe founders of ſtates have generally thought prevention preferable to puniſhment; and have, therefore, made regulations for preventing the continuance of power too long in the ſame hands. And in ſpite of their utmoſt precaution, wicked miniſters have often eſcaped.

It is obſerved, that the members are particularly careful of their conduct toward the end of a parliament, with a view to their being re-elected. Does not

[a] Deb. Com. xii. 86.

not this ſhew the advantage of ſhort parliaments, and the frequent return of power into the hands of the people? If it be ſaid, upon the plan of excluſion by rotation, and an effectual place-bill, gentlemen would not want to be re-elected, and therefore the ſhortening of parliaments would not make them at all the more careful of their conduct; this is confeſſing all that is wanted, viz. That, if parliaments were upon a right foot, there would be no byaſs upon the minds of the members, to draw them away from their country's intereſt; which they would naturally purſue, becauſe their own is involved in it.

The place-bill has been repeatedly paſſed by the commons in conſideration of an approaching general election, which ſhews plainly the advantage of ſhort parliaments [a].

A motion was made, *A. D.* 1713, to addreſs the queen that ſhe would deſire the duke of *Lorrain* to remove the pretender out of his dominions. Sir *William Whitlocke* obſerved, that there was ſuch an addreſs preſented to *Cromwel* about the removing of *Charles Stuart* out of *France*, who was afterwards reſtored to the throne. Being near the end of a parliament, and the members fearing for their election, it was reſolved *nem. con* [b]. This ſhews the advantage of ſhort parliaments. For the *jacobite* intereſt was at that time thought to be *ſtrong* in the houſe.

In the *Devonſhire* inſtructions, *A. D.* 1741, which were admired for their conciſeneſs and ſenſe, is the following, 'Reſtore triennial parliaments, the beſt 'ſecurity for *Britiſh* liberty [c].'

[a] See Rev. Place-Bill. [b] Deb. Com. v. 47.
[c] Deb. Com. xiii. 116.

'In governments, where the legiſlature is one 'laſting aſſembly, there is danger, that the mem-'bers of ſuch aſſembly think they have an intereſt diſ-'tinct from that of the community [a].' In *England*, while parliaments are ſeptennial, it may happen, that many hundreds of individuals may be legiſlators the greateſt part of their lives. Accordingly it was found, in the year 1766, that 64 members had ſerved in 4 parliaments, 31 in 5, 16 in 6, 3 in 7, 2 in 8, 1 in 9, and 1 in 10. [b]

Many writers lay great ſtreſs upon I know not what imaginary danger from *unbalancing* the power of the three eſtates. For my part, I own I am ſo dull, that I can ſee but one danger reſpecting the interior of the kingdom, viz. The danger of the *people*'s being enſlaved by the ſervants of the *crown*. Suppoſe the power of king and lords diminiſhed to what degree the reader pleaſes; if the people of property in general were free and happy, could the king and lords be unhappy? Would the king and the lords have juſt reaſon to complain, if they were happy? Does any friend to his fellow-creatures wiſh the king and lords to poſſeſs power for any other purpoſe, than the *general* happineſs? Can we not imagine a ſtate, in which the people might be very happy, in which king and lords poſſeſſed much leſs power than they do in this country? Can we not imagine a very happy ſtate, in which there was neither king nor lords? What is the neceſſity of a *check* on the power of the commons by king and lords? Is there any fear, that the commons be *too free* to conſult the general good? Muſt the

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[a] *Locke* on GOVERN. II. 214.

[b] LOND. MAG. 1766. p. 489.

the repreſentatives of the people be checked and clogged in promoting the intereſt of their conſtituents? If there be not ſome neceſſity for this (which to me ſeems as rational as to ſay, there ought to be a check to prevent individuals from being too healthy, or too virtuous) I cannot ſee the ſolidity of that reaſoning, which lays ſo much ſtreſs on the neceſſity of a balance, or equality of power among the three eſtates, or indeed (ſpeculatively, or theoretically ſpeaking) of a neceſſity of any more *eſtates* than one, viz. An adequate repreſentation of the people, unchecked and uninfluenced by any thing, but the common intereſt; and that they appoint reſponſible men for the execution of the laws made by them with the general approbation. Yet ſome writers of no ſmall note affect to regret the ſuppoſed weakneſs of the crown and houſe of lords, when ſet againſt the commons, becauſe the latter commands the purſe. 'The king's legiſlative power, 'ſays my eſteemed friend Mr. *Hume*, is no check to that 'of the commons.' And why, I pray you, ſhould it be a check? Again, 'Though the king has a negative 'in the paſſing of laws, yet this, in fact, is eſteemed 'of ſo little moment, that whatever is voted by the 'two houſes is ſure [a] to be paſſed into a law, and the 'royal aſſent is little better than a mere form.' What would this gentleman have? Ought a king, a ſingle *individual*, or a *handful* of lords, to have the power of *ſtopping* the buſineſs of the whole *Britiſh* empire according to their caprice, or their intereſted views, whoſe intereſt may often be imagined (by themſelves at leaſt) to lie very wide of the general weal? I can ſee very clearly the uſe of a check upon the power of

[a] Queen *Elizabeth* rejected 40 bills, and king *William* III. one, if not more.

a king or lords; but I own I have no conception of the advantage of a check upon the power of the people, or their incorrupt and unbyaſſed repreſentatives. The ſame eminent writer ſeems to think a certain competent degree of court-influence, by *offices*, neceſſary. For my part, I look upon every degree, great or ſmall, of miniſterial power in parliament as a deadly poiſon in the vitals of the conſtitution, which muſt bring on its deſtruction.

The oppoſers of annual parliaments ſay, Every thing will be fluctuating under them, and no nation will treat with you; no war can be proſecuted with ſucceſs, &c. Have they then forgot, that the treaties of *Bretigny* and *Troyes* were concluded, and the victories of *Creçy* and *Agincourt* gained, under the auſpices of annual parliaments? On the contrary, 'it 'is thought by many (ſays the author of PREF. TO 'FRAGM. POLYB. [a]) that the ſeptennial act, *A. D.* '1716, was the ſevereſt ſtab, the liberties of the 'people of *England* ever received.'

'A ſtanding parliament, or the ſame parliament 'long continued, changes the very nature of our con-'ſtitution in the fundamental article, on which the 'preſervation of our whole liberty depends [b].' 'The 'ſecurity of our liberty does not conſiſt only in fre-'quent *ſeſſions* of parliament, but in frequent *new* par-'liaments [c].'

'The antient cuſtom (ſays *Davenant* [d]) in the 'mixed governments formed in theſe northern coun-'tries (which will be the beſt model for them to fol-'low) was. That national aſſemblies ſhould be fre-'quently called, and ſent home as ſoon as the nation's 'buſineſs was diſpatched. The wiſdom of old times 'did

[a] P. xii. [b] DISSERT. ON PARTIES, P. 37.
[c] Ibid. 128. [d] DAVEN. II. 60.

'did never think it convenient that one and the same 'assembly should sit *many years* brooding of faction. 'For it is in these continued sessions, where the skill 'is learnt of *guiding*, and *being* guided, where the 'youth is depraved, and old sinners hardened, where 'those parties are formed that give the cunning speak-'ers so much weight and value, and where they can 'bring their subtlety and eloquence to market. And 'in former reigns, the departing from a principle so 'essential in its constitution, had like to have changed 'the whole face of the *English* government; for 'leeches and other blood-sucking worms are ingen-'dered in standing pools; flowing waters do not cor-'rupt or breed so many insects. The keeping a national 'assembly long sitting debauches the gentry of a king-'dom, and opens a way to offices of trust, not known 'among their ancestors; but when such assemblies are 'called together to consult upon the difficulties of 'state, and are dissolved as soon as the public busi-'ness is dispatched, the measures of the false politi-'cians become presently quite altered. They, who 'design to rise, must mount by other steps than for-'merly. Intriguing, heading parties, running into 'factions, and sudden changing of sides will avail the 'busy men but little. A *year* or *two* is not sufficient 'to mould and fashion an assembly to their designs; 'every new sessions young gentlemen are sent up whom 'it is not so easy to corrupt; they can fix nothing 'where there is a perpetual flux and reflux of matter; 'it is like building on a quick sand. When such as 'intend to advance themselves in the world see all this, 'and that these assemblies are no more the field in 'which they can exercise their wicked arts with any 'advantage, they naturally fall into other methods,

'and are *honeſt* of courſe, when it is no longer their 'intereſt to be otherwiſe. In ſuch a conſtitution there 'is no need to ſilence troubleſome and perplexing 'rhetoric with ſome good office, nor to buy off and 'reconcile at any rate, men of turbulent and ambi-'tious ſpirits; and when it is not needful to hire 'people to ſave their own country, how much *cheaper* 'and more eaſy is government rendered to princes, 'who then have a free choice among their ſubjects 'to call whom they pleaſe into the ſervice of the ſtate? 'whereas otherwiſe their favours are confined to one 'narrow ſphere; and as thereby their goodneſs is made 'more extenſive, ſo the ſtations requiring abilities and 'experience muſt be *better* filled, when a court has 'not the *neceſſity* upon it to find out places for men 'rather than men that are fit for the places. In coun-'tries where this poſt, ſo eſſential to liberty, is thus 'preſerved from corruption, all matters relating either 'to war or peace, public revenues, or trade, will go on 'proſperouſly; and a national aſſembly ſo conſtituted 'will always produce wholeſome laws, right admini-'ſtration, and a perpetual race of honeſt and able mi-'niſters.'

Charles II. governed, by his *long* or penſioned-parliament in much the ſame arbitrary manner as *William* the Baſtard did *without* a parliament. For, 'as 'the people had in both caſes loſt the exerciſe of their 'annual power of election, with that they had loſt 'the remedy for all their grievances. And under this 'mode of things may be obſerved all the marks of 'tyranny that can be found under the deſpotic go-'vernment of one man. The laws were no longer 'any protection to the innocent. Judgment and juſ-'tice were directed by court-policy; ſeverity and

'cruelty took the place of mercy and moderation; 'slitting of noſes, cutting of ears, whipping, pillory-'ing, branding, fining, impriſoning, hanging, and 'beheading, were the conſtant lot of thoſe who had 'virtue enough to ſpeak, write or act in defence of 'conſtitutional liberty. And ſo far was the houſe of 'commons from relieving the people under this dread-'ful diſtreſs, that they contributed all in their power 'to prevent even their cries and prayers from either 'approaching the throne or themſelves. They paſſed 'a law, by which no man durſt aſk his neighbour to 'join him in a petition for relief to the king or either 'houſe of parliament. It was a melancholy conſide-'ration to ſee the people refuſed the benefit of prayers 'and tears for relief againſt their *own* infamous *de-'puties* [a].'

'Nothing could make it ſafe (ſays the author of 'DISSERT. ON PARTIES [b]) nor therefore reaſonable, 'to repoſe in any ſet of men whatſoever ſo great a 'truſt as the collective body delegates on the repre-'ſentative in this kingdom, except the *ſhortneſs* of 'the term for which this truſt is delegated. There-'fore every *prolongation* of this term is in its degree 'unſafe for the *people*; it weakens their ſecurity, and 'endangers liberty by the very powers given for its 'preſervation. Such prolongations expoſe the nation, 'in the poſſible caſe of having a corrupt parliament, 'to *loſe* the great *advantage* which our conſtitution 'hath provided of curing the evil before it grows con-'firmed and *deſperate*, by the gentle method of chuſing 'a new repreſentative, and reduces the *people* by con-'ſequence to have no other alternative than that of 'ſubmitting

[a] HIST. ESS. ENGL. CONST. 120. [b] P. 129.

'submitting or resisting, though submitting will be as 'grievous, and resistance much more difficult, when 'the *legislature* betrays its trust, than when the *king* 'alone abuses his power.——These reflections, are 'sufficient to prove these propositions; and these 'propositions set before us in a very strong light, the 'necessity of using our utmost efforts that the true 'design of our constitution may be pursued as closely 'as possible by the re-establishment of *annual*, or at 'least triennial parliaments.'

The author of a piece intituled *A Discourse between a Yeoman of Kent, and a Knight of a Shire upon the Prorogation of the Parliament to May* 2, 1693 [2], writes as follows.

The king had rejected the bill 'for securing the 'foundations of the civil government, by such a con-'stant succession of new-chosen parliaments, that their 'deputies, by their long continuance in that trust, 'may not be in danger to be corrupted by offices or 'private interest.' The speakers in the dialogue remark, That the mischiefs of *Charles* IId's and *James* IId's reign were occasioned, in great measure, by their refusing to call successive parliaments, and by continuing the same parliament for many years, to form them to a compliance with their designs of despotic power. They observe, 'That from king *William*'s so-'lemn and repeated *assurances* that he would put a stop 'to the arbitrary power exercised over the people, and 'parliament, and from his *request* to parliament, that 'they would make such an effectual provision for their 'fundamental laws and liberties, that they might never 'hereafter be in danger to be again invaded; there was 'reason

[2] STATE TRACTS, time of king *William*, II. 330.

'reaſon to expect, that the *antient*, legal courſe of 'annually-choſen parliaments would have been im-'mediately reſtored, and the ſtrongeſt fence made for 'that conſtitution, that the wiſdom of the kingdom 'could have invented.' But the promoters of the revolution loſt the opportunity.

Politicians have laid down for a maxim, That if kings were *republican* in their meaſures of adminiſtration, ſubjects would be *royaliſts* in their obedience. Our kings have it in their own abſolute power to do the nation a prodigious ſervice. The king can diſſolve every parliament at the end of the firſt ſeſſion; which would make parliaments annual. But this would be applying *prerogative* to the advantage of the *people*; whereas kings generally think it is intended for *their* advantage, and to keep the people down. Yet even the army (not generally friendly to liberty) propoſed, *A. D.* 1647, biennial parliaments[a]; that the counties ſhould elect members 'according to 'the reſpective rates they bore in the common charges 'and burdens of the kingdom, and that the election 'of burgeſſes for poor declined or inconſiderable towns 'be taken off[b].' And general *Fairfax*, in his propoſals for peace in *Charles* Iſt's time, makes the reduction of the period of parliament to 2 years, an eſſential article[c].

'If it ſhould ever happen, ſays the author of PREF. 'TO FRAGM. POLYB.[d] that the repreſentatives, en-'couraged by long independence on the people, ſhould 'inſtead of reforming grievances, increaſe their num-'ber, and become themſelves the greateſt grievance; 'the

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[a] *Rapin*, II. 537. [b] Ibid. 538.
[c] PARL. HIST. XVI. 205. [d] P. xiv.

'the people will, in that caſe, have no legal remedy, 'which is in itſelf contrary to the nature of govern-'ment; it being ridiculous to imagine that the ſame 'law, which provides a remedy for every private 'wrong, ſhould provide none for theſe of the public, 'or that the whole body of the people, for whoſe 'ſake the law itſelf was inſtituted, ſhould ever find 'themſelves in ſuch circumſtances, as to loſe the 'benefit of it. Yet this muſt happen if it be received 'as a ſtanding maxim of law and juſtice, that their 'repreſentatives when once choſen for any number of 'years, have, notwithſtanding the groſſeſt miſbehavi-'our, ſtill a right to ſit out their term, and what is 'worſe, to extend it as far as the affairs of the nation, 'or *their own*, may ſeem to require. If this be admit-'ted, then no term can by law be preſcribed to their 'ſitting; becauſe they have ſtill a power by law of 'extending that term, and conſequently of perpetuat-'ing themſelves. This, however improbable, muſt, 'upon a ſuppoſition of the legality of the firſt exten-'ſion of the original term, be allowed to be equally 'legal. From hence it appears how dangerous it is 'to remove the corner ſtones of government; and that 'whenever they have been removed through neceſſity, 'the firſt opportunity ought to be laid hold of to re-'ſtore them to their former ſituation.'

Lord *Digby*, in his ſpeech, *A. D.* 1640, ſays, 'The ſafety of the ſtate conſiſts in frequent parlia-'ments. They are the *unum neceſſarium*. The long 'intermiſſion of parliaments has always produced bad 'effects.' He obſerves, that the oppreſſions of ſhip-money, and the reſt in *Charles* Iſt's time, were worſe than all the grievances from *Magna Charta* down, and that the intermiſſion of parliaments was the pri-

mary

mary cauſe of the miniſtry's daring to oppreſs the ſubject. [He had no idea of a bribed parliament's ſeconding the views of a villainous court.] A parliament, he ſays, is the only ſecurity againſt a bad miniſtry. [But what ſecurity againſt a bad parliament?] For a miniſtry will always aim at an enlargement of power, and a parliament only can curb them. 'No ſtate can 'wiſely be confident of a miniſter's being good longer 'than the rod is held over him [a].' He mentions *Noy* as once a great patriot and promoter of the petition of right; afterwards, when made attorney general, the very inventor of ſhip-money. He calls *Wentworth* alſo a ſhameful apoſtate. He is for triennial parliaments. There were no places nor money to bribe with *then*. But even triennial parliaments *now* would be too long.

'Had we had frequent parliaments, ſays Sir *W.* '*Drake*, *A. D.* 1641, we ſhould have given a timely 'ſtop to miſchiefs, and never have ſuffered them to break 'in upon us with ſuch an inundation of diſtempers, 'that without prevention, may yet ſwallow us up [b].'

The act, *A. D.* 1641, for ſecuring parliament againſt diſſolution by the king, without its own conſent, was dangerous, as it left parliament at liberty to ſit as long as they pleaſed. But it was thought ſafe, becauſe there was *then* no conſiderable number of places, penſions, or contracts, and the people had therefore an unreſerved confidence in parliament. It ſet, however, a very bad example for *corrupt* times. The people thought it a glorious victory over the tyrant, the *only* object of their fear; little apprehending, that ever a time would come, when they ſhould have

[a] PARL. HIST. IX. 197. [b] Ibid. X. 37.

have reaſon to dread an exceſſive power in *parliaments*. Yet they ought to have known, that it is never ſafe that power be ſo far out of the *people*'s reach, that they cannot reſume it, whenever they ſee it abuſed, either by kings, or parliaments. And they ought to have remembered, that (ſuch is the diſpoſition of the human mind) to give independent power to any ſet of men whatever, is giving them the watch-word to erect themſelves into tyrants. The proceedings of that very parliament exhibited a ſtriking proof of the juſtneſs of this remark, and the independency on their conſtituents, ſtill arrogated by many of our members of parliament, confirms it. Were our parliaments *annual*, we ſhould ſee our members as ready to acknowledge their reſponſibility to their conſtituents, as now our overſeers of the poor are to ſubmit their accounts to the examination of the pariſh.

'The triennial bill under king *William* III. was 'received, ſays *Burnet* [a], with great joy; many fan-'cying, that all their other laws and liberties were 'now the more ſecure, ſince this was paſſed into a 'law. Time muſt tell what effects it will produce; 'whether it will put an end to the great corruption, 'with which elections were formerly managed, and 'to all thoſe other practices, which accompany them. 'Men, who intended to ſell their own votes within 'doors, ſpared no coſt, to buy the votes of others in 'elections. But now it was hoped, we ſhould ſee 'a golden age, wherein the characters men were in, 'and the reputation they had, would be the prevail-'ing conſiderations in elections. And by this means 'it was hoped, that our conſtitution, in particular 'that

[a] Hist. own Times, iii. 183.

'that part of it, which related to the houſe of com-
'mons, would again recover its ſtrength and repu-
'tation, which were now very much ſunk. For
'corruption was ſo generally ſpread, that it was
'believed, every thing was carried by that method.'

To theſe obſervations of the good biſhop, I will add, That it is at no time eaſy to ſay what effect a *partial* reformation of abuſes will produce. And the mere reducing of parliaments to triennial is ſurely a very partial correction. It is only ſtopping one leak in ten. For ſuppoſing parliaments were triennial, ſo long as a few thouſands (inſtead of many hundred thouſands) have the power of ſending in a majority of the houſe, it will be in the power of the treaſury to influence elections. And, ſo long as there is no penalty for ſitting in the houſe of commons, and, at the ſame time, enjoying a place, or penſion, ſo long there will be danger leſt the votes of the members be influenced by a corrupt court. And ſo long as the ſame individuals may be returned again and again, without neceſſity of excluſion by rotation, ſo long it will be worth the miniſtry's while to influence them, and worth their while to bribe their electors. But, if parliaments were annual, with excluſion by rotation; if the power of electing were equally diſtributed, as it ought to be, among men of property, ſo that no one member could be elected by fewer than a majority of 800 votes; and if no member could hold a place, or penſion, while he ſat in the houſe of commons, under a ſevere penalty—if all theſe reſtorations of the conſtitution were brought about, I will engage, that court-influence in parliament ſhall be *impoſſible*; and then we ſhall ſee the golden days mentioned by the biſhop.

Con-

Concerning triennial parliaments it was argued, *A. D.* 1693, That long parliaments might prove dangerous either to king or people; to the former by their obtaining great influence among the people, and retrenching too much the power of the crown. But this I think frivolous, becauſe hiſtory has no example of a crown, whoſe power was too much retrenched. And beſides it is moſt likely that a *ſhort* parliament will retrench prerogative. That long parliaments may be likely to prove dangerous to the people, is extremely natural. For power becoming inveterate in the hands of any ſet of men is always dangerous. When a court knows, that the ſame ſet of men are likely to be in parliament for ſeven, fourteen, or twentyone years, it becomes worth while to practiſe upon them; and a wicked court may influence a corrupt parliament to 'give up, ſays *Burnet* [a], all the money and all the 'liberties of *England*, when they are to have a large 'ſhare of the money, and are to be made inſtruments 'of tyranny.' 'Frequent parliaments would like-'wiſe, ſays the ſame author, put an end to the great 'expence, candidates put themſelves to in elections, 'and would oblige the members to behave themſelves 'ſo well, both with relation to the public, and in 'their private deportment, as to recommend them to 'their electors at the three years end; whereas, when 'a parliament is to ſit many years, the members 'covered with privileges, are apt to take great liber-'ties, to forget, that they repreſent others, and to 'take care only of themſelves.' *Burnet* mentions ſome objections then made to frequent elections, as, 'That 'they would make the freeholders proud, and inſo-'lent, when they knew, that application muſt be 'made

[a] Hist. own Times, iii. 147.

'made to them at the end of three years. This would 'eſtabliſh a faction in every body of men, who had 'a right to election; and whereas now an election 'puts men to a great charge all at once, then the 'charge muſt be perpetual all the three years, in lay-'ing in for a new election, when it was known, how 'ſoon it would come round.' But ſurely we cannot do much, if we cannot get over ſuch frivolous objections as theſe. As to the pride and inſolence, which the power of frequent elections would produce in the freeholders, it is nothing to the purpoſe. We are not to deprive the freeholders of what is otherwiſe their juſt *right*, becauſe their poſſeſſing of it may make them *proud*. On that principle, they muſt not have their eſtates, at leaſt none muſt have conſiderable eſtates. And, above all, we muſt have no biſhops, peers, or kings. And as to faction's being likely to be increaſed by ſhortening parliaments, it is more likely to confound faction. The very ſupport of faction is power continued long in the ſame hands. And as to the increaſe of expence to members in conſequence of ſhort parliaments, it is an objection ſet upon its head. For, if parliaments were annual, with excluſion of two thirds for three years by rotation, there would be at once an end put to packing, bribing, canvaſſing, electioneering, placing, and penſioning of parliament-men; becauſe the parliament, never conſiſting wholly of the ſame men for two years together, it would not be worth while for the court to get their iniquitous ſchemes carried in parliament, only to remain for *one* year, and be overthrown the next; and whenever a ſeat in the houſe came to be no longer a matter of emolument, the conteſt would be (as now with reſpect to pariſh-officers in *England*,

and feats in the aſſemblies in *America)* how to *avoid* being elected.

The people's right of annually electing deputies to repreſent them in parliament was, at the time of the triennial act, as much a part of their birthright, as the freedom of their perſons. They had enjoyed it longer than *Magna Charta*, without violation, till the times of *Charles* I. It was therefore no more in the power of any ſingle king and parliament to deprive the people of this right, than of *Magna Charta*. And the people have now a right, at any time, to reſume their original power, and to elect only for one year, declaring, that they will not yield obedience to one act made in a *ſecond* year of the ſame parliament.

The only plauſible pretence for ſeptennial parliaments, viz. the danger of a jacobite parliament's being choſen, never was ſolid; becauſe, on that principle, parliaments ſhould have been ſtill *longer* than ſeptennial, that is, there ſhould have been no new parliament called, while there was a conſiderable body of jacobites in the nation. But if the pretence for ſeptennial parliaments had been ever ſo plauſible, at the time of that fatal innovation, in the name of common ſenſe, what has that to do with *our* times?

It was propoſed to addreſs for frequent new parliaments, *A. D.* 1675, in the houſe of peers. It was urged that parliaments both before and long after the conqueſt, were held 3 times a year, viz. at *Eaſter*, *Whitſuntide*, and *Chriſtmas*, 8 days, each time [a]. This continued with ſome variations till *Edward* III. Then parliaments were appointed to be annual, or oftener, if need be, and ‘ prorogations were not then, nor till late ‘ times,

[a] Deb. Lords, 1. 175.

'times, known [a].' It was unreaſonable, that the ſame man ſhould *engroſs* legiſlative power, and *exclude* ſo many others equally entitled. *Change* of hands was uſeful to keep thoſe entruſted to their *duty*. A member may be choſen when in *good* circumſtances. He may *ruin* himſelf with gaming, &c. Then he becomes obnoxious to bribery. Then he taxes the people, to enable the court to bribe him, and the reſt of the venal crew. At any rate a place-man is not as free as he who has nothing from the court. *Honores mutant mores.* 'The commons are now become 'judges of their own privileges, condemning and 'impriſoning their fellow ſubjects' [their conſtituents, their *maſters*] 'at pleaſure, and without oath; they 'are judges of all elections, by which means very 'often *they*, and not the *people*, chuſe their fellow 'members. This is owing to the length of parliaments. Long parliaments give time for ſettling 'cabals and ſchemes of corruption. The nation was 'therefore much obliged to the long penſioned parliament for not enſlaving it. How eaſily this may be 'done in future ages, under ſuch princes and long parliaments, may eaſily be conjectured [b]. Lately there have 'been given 1500 *l.* 2000 *l.* and 7000 *l.* to be elected. 'There is a ſcurvy proverb, That men, who buy 'dear, cannot live by ſelling cheap.' The addreſs was however carried in the negative. Several lords proteſted, and the king came to prorogue the houſe before all the lords who intended to join in the proteſt, were come to the houſe [c].

'It cannot be unknown to king *William*,' (ſays the judicious author of REASONS FOR ANNUAL PARLIAMENTS)

[a] DEB. LORDS, I. 176. [b] Ibid. 180. [c] Ibid. 175.

LIAMENTS [a]) 'how much he has been libelled, 'becauſe ſo many of his officers were in the houſe.' —'I am deſirous that it ſhould be made apparent, for 'the future, in every parliament, that there is no like-'lihood of its being debauched, and that will be 'made apparent by eſtabliſhing annual parliaments [b].' He then goes on to ſhew, that, as members are delegated by electors, to ſupply their places, and do their buſineſs for them, they ought not to be continued longer than a year; becauſe circumſtances may ſo change in a year, that a member who was *fit* for the buſineſs in agitation, when he was choſen, may be found very *ill* qualified for judging of what comes before parliament, the following ſeſſions; yet the electors have no opportunity of changing him for a more proper deputy. Again he ſhews, that the continuing the ſame members for ſeveral years is overthrowing the people's privilege of delegation, and giving their delegates a power of becoming their maſters, and the creatures of the *court*, from which, and not the *people*, they receive their commiſſions upon every new prorogation. If ſhort parliaments be the moſt effectual means for preventing bribery, ſhort parliaments are eminently deſireable; for bribery is more dangerous than *quo warrantos*. He then goes on [c] to ſhew, that frequent new parliaments were the cuſtom under our *Henries* and *Edwards*. That the beſt kings of *Spain*, and of *France*, and the beſt *German* emperors were moſt deſirous of frequent meetings with their people in their general cortes, parliaments, and diets.

When

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[a] STATE TRACTS, time of K. *William*, III. 290.
[b] Ibid. [c] Ibid. 291.

When the ſeptennial bill was propoſed, *A. D.* 1716, it was pretended, that the people were very generally diſaffected, though the rebellion was quelled; and that the hopes of the jacobites were founded on a new parliament. It was propoſed firſt, to ſuſpend the triennial act for once, which would have continued the parliament three years longer. It was queſtioned whether the ſeptennial bill ſhould be ſet on foot in the houſe of lords or commons. It was thought beſt it ſhould be ſtarted in the lords houſe, where the triennial originated; that the odium might not fall upon the commons ſo as to hinder their elections. Triennial elections (they ſaid) keep up party-diviſions, raiſe animoſities in families, occaſion ruinous expences, &c. The only pretence for lengthening parliaments, was the jacobitiſm of the people, which was owing to the mad cry of *The church in danger*, ſet up by the bigotted *prieſthood*.

Tantum relligio potuit ſuadere malorum.

Could they not ſee that the conteſt about elections was owing to the poſts and places? Why did they not aboliſh them, as in *Holland?* The whigs made a point of carrying the bill, and every oppoſer of it was to be ſet down for a tory. The triennial act, when paſſed, was looked upon by the people as their great ſecurity. Why therefore did the people's deputies dare to mention the repeal of it? It had made king *William* ſupremely popular. The ſeptennial bill was taking the election from the people, and electing themſelves for four years. Parliaments ought not to be altered from what was the known intention of the electors, without new authority obtained from the electors. But that they did not aſk; well knowing they ſhould not obtain it. The expence of frequent

elections was no argument, becauſe theſe expences are voluntary. Frequent elections, it was ſaid, produced corruption, [the contrary is the truth, their conſciences told them] and corruption produced the parliament which approved the peace of *Utrecht*. [If corruption does miſchief, the buſineſs is to remove the materials of corruption. The cauſe aboliſhed, the effects will ceaſe of courſe.] Lord *Trevor* ſaid, the ſhorteſt parliaments were the beſt, and that annual was the conſtitutional period. That parliaments were longeſt in the worſt times, and when the revolution came in, which brought liberty, with it came ſhort parliaments. It was very neceſſary, he ſaid, to make regulations for preventing parliaments making encroachments on the conſtitution, as well as for reſtraining miniſterial encroachments. If the people were diſaffected and diſcontented, whether would the lengthening of parliaments *conciliate*, or *widen* the breach? There is no repreſentative of the people but a houſe, of their *own* making. Every election, ſuppoſing repreſentation adequate, and places out of the way, throws the government again into the hands of the people, where it muſt always be ſafe. It is abſurd to alledge, that foreign ſtates could not truſt us, if our parliaments were ſhortened. What more *permanent* than the *French* court? But who *truſts* the *French* court? Let *property* govern, and all will be ſafe, and univerſal *confidence* will follow. A long parliament made *Charles* II. indifferent about the affections of his people. The lengthening of parliaments tended to produce faction in foreign ſtates, when they ſaw how eaſily the *Britiſh* conſtitution might be broke into. It was therefore obſerved in the houſe of peers, that to publiſh the prevalency of a popiſh faction in *Britain*, and to tell foreigners, that the people were

not

not to be truſted with themſelves, was confounding all confidence of foreign ſtates in this nation. Articles in the lords proteſt againſt committing, were, 'That frequent new parliaments are required by the conſtitution of this kingdom, and the practice of many ages evidences this to be the conſtitution. That long parliaments naturally increaſe corruption. The longer the time, the more worth a corrupt miniſter's while to bribe, and the more worth a candidate's to get into the houſe.' Thirty lords proteſted againſt committing the bill, and afterwards 24 againſt paſſing it. Petitions were preſented to the commons againſt it from *Haſtings*, *Marlborough*, *Cambridge*, and *Abingdon* [a].

In the ſame debate in the houſe of peers, the duke of *Devonſhire*, in favour of the bill, laboured to ſet forth the inconveniences attending triennial parliaments, that they 'ſerved to produce feuds, animoſities, party-diviſions, expenſive elections,' with the other trite ſtuff commonly urged on that ſide of the queſtion. On the contrary, lord *Abingdon* ſaid, the people looked upon the triennial act, as the great ſecurity of their rights and liberties; that if the bill paſſed the commons, it would be looked upon by thoſe they repreſented, as a breach of truſt. The duke of *Kingſton* denied the laſt part of this aſſertion, and urged that the buſineſs of the legiſlature was to rectify old laws, as well as to make new ones. Lord *Paulet* ſaid, he did not think it for the king's ſervice, and intereſt; but before they went any farther, they ought to know the ſentiments of the *people*. His lordſhip urged that the bill ſhewed a diſtruſt of the affections of the people, without which no king could be ſafe or happy; that king *William* had gained the hearts

[a] *Tind.* 1. 490.

of his people by the triennial act; and it would look somewhat ſtrange, that the moſt *popular* of our laws ſhould be repealed in a year after the *proteſtant* ſucceſſion took place.

The earl of *Peterborough* ſaid, He wiſhed he could give his vote for the bill; but that he could not be for a remedy that might cauſe a greater evil; and that if this preſent parliament continued beyond the time for which they were choſen, he knew not how to expreſs the manner of their exiſtence, unleſs (begging leave of the venerable bench, turning to the biſhops) he had recourſe to the diſtinction uſed in the *Athanaſian* creed, for they would neither be *made* nor *created*, but *proceeding*.

The earl of *Nottingham* was againſt the bill, becauſe he thought it would rather exaſperate, than quiet the minds of the people; and that though he could not aſſign the true cauſe of the people's diſſatisfaction, yet there muſt have been ſome ſecret cauſe for it: That he hoped people's diſcontent was not ſo great, as had been repreſented; that this bill ſeemed to imply that the affections of the people were confined to ſo ſmall a number as the preſent houſe of commons; that whatever reaſons may be given for continuing this parliament for four years longer, would be at leaſt as ſtrong, (and by the conduct of the miniſtry might be made much ſtronger) for continuing it ſtill longer, and even for perpetuating it; which would be an abſolute *ſubverſion* of the third eſtate of the realm. He then hinted at the danger of enlarging the *prerogative*, and inſtanced in the precedent of *Henry* VIII. who perſuaded his parliament to give him the abbey-lands under pretence that they would bear part of his expences, which would eaſe them of taxes, and im-

prove

prove trade; but that ſoon after he demanded, and obtained, great ſubſidies, and made uſe of thoſe lands to *enſlave* the people.

The duke of *Argyle* ſaid, that deſigns had been laid to bring in the pretender, long before the king's happy acceſſion to the throne; and that if the conſpirators had improved the ferment, at the election of the laſt parliament, it was probable their wicked ſchemes for ſetting aſide the proteſtant ſucceſſion had taken place.

The biſhop of *London* ſaid, he was confounded between danger and inconveniences on one ſide, and deſtruction on the other. After a debate of five hours the queſtion being put, it was carried in the affirmative, 24 lords proteſting againſt paſſing the bill, 'Becauſe frequent parliaments were the fundamental conſtitution of the kingdom. Becauſe the houſe of commons ought to be choſen by the *people*; and when continued for a longer time, than they were choſen for, they were then choſen by the *parliament*, and not by the people. They conceived that the bill, ſo far from preventing corruption, would rather increaſe it; for the longer a parliament was to laſt, the more valuable, to corruptors, would be the purchaſe. And that all the reaſons that had been given for long parliaments, might be given for making them perpetual, which would be an abſolute ſubverſion of the third eſtate[a].'

In the ſame debate in the houſe of commons the court-members ſaid, the ſeptennial bill would ſtrengthen the hands of the king; ſettle and maintain the proteſtant ſucceſſion; encourage our allies to depend upon us, that what ſhall hereafter be ſtipulated ſhall be performed; would

[a] Dee. Lords, iii. 27.

would break our parties and diviſions, and lay a ſolid foundation for future happineſs. And ſince the preſent parliament have exerted themſelves for the public good, why ſhould they not continue longer together, that they may finiſh what is ſo happily begun?

The oppoſition denied 'that the people were diſ-
'affected, ſaid the parliament, that had done ſo great
'things, were but little more than a year old, and
'that nobody could imagine that diſcontents (if there
'were any) would laſt the remainder of their term,
'under ſo wiſe, ſo unerring, ſo pacific an admini-
'ſtration as they then enjoyed. Was the frame of our
'conſtitution to be altered, before our allies would
'favour us with their friendſhip? That was an argu-
'ment very improper to be urged in a *Britiſh* parlia-
'ment. It was acknowledging, that the king dares
'not truſt the people in a new choice. It is a diſ-
'honour to this houſe; for it ſuppoſes that another
'houſe of commons would act differently from the
'preſent, which is to confeſs, that this houſe does
'not truly repreſent the people. The truſt, they
'ſaid, was triennial; and if it was continued longer,
'from that inſtant they ceaſed to be the truſtees of
'the people, from that inſtant they acted by an
'aſſumed power and erected a new conſtitution; and
'though it is a received maxim, That the *ſupreme*
'legiſlature cannot be *bound*, yet it muſt be under-
'ſtood that it was reſtrained from ſubverting the
'foundations on which *itſelf* ſtood. And now after
'above an hundred millions given by the people, in
'order to preſerve their old form of government, a bill
'is ſent from the lords, which if it paſſes, muſt expoſe
'us again to the *greateſt* of dangers, which is that of a
'*long* parliament. In the penſioned parliament,
'the

'the means of temptation in the miniſter's hands were 'not ſo great as they now are; the civil liſt nigh 'double to what it then was; and the dependence on 'the crown greatly enlarged by reaſon of the increaſe 'of *officers* for managing the public funds. What 'influence theſe may have upon an exhauſted nation, 'under the terror which 40,000 regular troops carry 'with them, is eaſily foreſeen. Can the lords think 'us ſo ungrateful, as to join in the deſtruction of the 'power that raiſed us; and why cannot we content 'ourſelves with proceeding in the common methods, 'which the uſage of many ages juſtifies?'

It was reſolved however, 284 againſt 162, that the bill be committed.

What follows is taken from *Hutcheſon*'s ſpeeches on the ſame occaſion [a]. 'If we ſhould give our con-'ſent to the paſſing of the bill before us into a law, 'we ſhould be guilty of a moſt notorious breach of the 'truſt repoſed in us, by thoſe who ſent us hither, 'and ſhould make a very dangerous ſtep towards the 'undermining of that conſtitution, which our anceſ-'tors have been ſo careful to preſerve, and thought 'no expence either of blood or treaſure too much for 'that purpoſe, and under which we do yet enjoy thoſe 'privileges and advantages, which no other nation 'in the world can at this day boaſt of. It muſt be 'agreed, that before the reign of *Henry* VIII. there 'was no ſingle inſtance of a prorogation of parliament. 'That parliaments had only one ſeſſion, and thoſe ge-'nerally very ſhort ones, none of which ever laſted 'a year. That to prevent the miſchief of long inter-'vals of parliament, it was enacted, in the 4th of '*Edward* III.

[a] Deb. Com. vi. Append. 1—32.

'*Edward* III. that parliaments ſhould be holden annually; and this was confirmed by ſubſequent acts of parliament. And therefore I may venture to affirm, that by the antient conſtitution, parliaments were to be holden frequently, and to be of the continuance only of one ſeſſion, and that there was no right or power in the crown to prorogue the ſame. I wiſh gentlemen would as generally concur that the other part which I have mentioned, and I think have made appear to have been our antient conſtitution, is as abſolutely neceſſary to the preſervation of our liberties, I mean parliaments of one ſeſſion, not only frequent parliaments, but frequent *new* parliaments. The thing indeed appears very evident to me, ſo evident that in my poor opinion our liberties would not be more, nay not ſo precarious under an *abſolute* monarch, as with a houſe of commons who had a right to ſit either for many years together, or without any limitation of time. For 'tis certain that a prince, who had ſtood only on the bottom of his own abſolute authority, ſupported by a few miniſters, and ſome troops, would ſtill think himſelf pretty much upon his good behaviour towards the united body of his people; and would probably be cautious of exerting his power in ſuch a manner as to give a juſt provocation to a general revolt, and ſetting up another in his ſtead; but a prince, with a *parliament* at his devotion, would be infinitely more terrible, and with much greater ſecurity might give a looſe to every extravagancy of power; for when the repreſentatives of the people, who are choſen by them to be the *guardians* of their liberties, can be prevailed on, for little advantages to themſelves, to *betray* their truſt, and come into all

the

'the measures of a designing ministry; 'tis then, in-
'deed, that the liberties of a people are in the most
'imminent danger; and surely there is great reason to
'apprehend that a house of commons might soon
'become very obsequious to a minister, if they were
'to sit for a long period, or without limitation, and
'that there were in view no *near* day of a *new* elec-
'tion, when the conduct of gentlemen in this place
'would be inquired into in their respective countries.
'I remember very well, what an outcry was raised
'against the last parliament, on suspicion only that a
'repeal of the triennial act was intended; and the
'arguments against it without doors, were then the
'very same with those which are now urged against it
'within: what an inconsistency must it then appear
'to see those very gentlemen, who were then the most
'zealous opposers of such an attempt, become now
'the most violent advocates for it! And will it not
'also in some measure affect their integrity, pub-
'licly to own that the arguments they pretended to
'be then influenced by, had not the least weight with
'them; and that the thing in itself was very desirable
'when there should be a good ministry and parliament
'in being, and pernicious only in the then situation
'of affairs? It was not certainly from this conside-
'ration that the late ministry and parliament were
'diverted from the attempt: they doubtless had a
'very good opinion of themselves, and were con-
'firmed therein by the voice of a great majority of
'the people; and which, by a most strange and unac-
'countable witchcraft, still continues in their favour;
'if I may depend upon what several who have argued
'for the bill seem to have agreed to [a].'

[a] Deb. Com. vi. Append. v.

An attempt was made in the year 1734, for shortening parliaments. On which occasion Mr. *Plummer* spoke as follows.

'I wish we would take an example from the crown 'in one thing. We may observe, that the crown 'never gives a place or employment for *life*, or for 'a *long* term of years, except such as cannot be otherwise disposed of, and the reason is plain: were these 'places given for life, the grantee would then be out 'of the *power* of the crown, and consequently would 'not have such a *dependance* on it, as those persons 'must have who enjoy their places during *pleasure* 'only.——In this the crown acts wisely, and I wish 'we would follow the example: when I say *we*, I 'speak of the gentlemen present, not as members of 'this house, but as a part of the people of *Great Britain:* it would certainly be the height of wisdom in 'the people to keep those they trust and employ in 'their service as much in their *power* as possible. If 'those, the people choose to represent them in this 'house, were to continue in that station only during 'the *pleasure* of the people, the representatives would, 'I believe, have a proper *regard* for the interests of 'the people, and would never think of *throwing off* 'all *dependance* upon them [a].'

'As bribery and corruption, says Mr. *Wynne*, in 'the same debate, is a natural consequence of long 'parliaments, as it must always increase in proportion 'as the term for the parliament's continuance is prolonged, I am persuaded that all those who are against 'bribery and corruption will join with me in voting 'for the restitution of triennial parliaments. It is 'not

[a] Deb. Com. viii. 175.

'not the *expence* of an election that country gentle-
'men are to be afraid of; the moſt extravagant enter-
'tainments, that a ſtranger in the country could give,
'would have but little weight, if to theſe he did not
'add downright *bribery*; and even then bribes muſt
'be ſo high as to overballance the natural intereſt of
'the country gentleman, as well as the honeſty of the
'greateſt part of the electors: as theſe bribes cannot be
'made ſo high for a triennial parliament, as they may
'for a ſeptennial, they cannot be ſo prevalent among
'the electors; and therefore a gentleman, who de-
'pends upon nothing but his *natural* intereſt, will
'always have a *better* chance for repreſenting his
'country in a triennial parliament than he can have
'in one which is to continue for ſeven years; for
'which reaſon I cannot but think that any gentleman
'who has a mind that his poſterity ſhall depend for
'their ſeats in parliament upon the natural intereſt
'they may have in their reſpective countries, and not
'upon the frowns or the favours of the miniſters for
'the time being, muſt neceſſarily be for our returning
'to our former conſtitution in this reſpect. This, Sir,
'is in my opinion abſolutely neceſſary; and it muſt
'be done ſoon, otherwiſe country gentlemen, tired
'out with contending againſt thoſe who purchaſe their
'elections, perhaps with the *very money* which the
'country gentlemen are obliged to pay out of their
'eſtates in public *duties* and *taxes*, will at laſt have
'nothing to do but to ſit down and bemoan the fate
'of their country: but the complaints will then be to
'very little purpoſe: for the doors of that place where
'the groans of the people ought to be heard, will
'then be ſhut againſt them: we may depend on it,
'that thoſe who obtain their ſeats in this houſe by

'ministerial influence, will, while here, be directed 'in all their proceedings by the same sort of influence, 'and by none other [a].'

'Ever since we have had *septennial* parliaments, our 'elections have been generally attended with distractions 'and *confusions*; but I cannot allow, that this would 'be the case if they were *annual*, or even triennial: 'and I would gladly ask gentlemen, if before that time 'it was ever known that the solicitations and conten- 'tions about elections began *two* years before the chus- 'ing of a new parliament, which is known to be the 'case at present over the whole kingdom, and which 'always must necessarily be the case; it being natural 'for men to contend with more vigour and heat for 'a post either of honour or profit, that is to be en- 'joyed for *seven* years, than for one that is to be held 'but for *one*, or for three. Then, Sir, as to the 'bribery and corruption at elections, I am sure it has 'very much increased since the septennial law took 'place. It is a natural consequence of lengthening 'the time of a parliament's continuance; a conse- 'quence so natural, that I am surprized to find it 'so much mistaken as it seems to be by some gentle- 'men who have spoken upon the other side of the 'question. It is certain, Sir, that *bribery* will never 'be made use of at any election, but by a man who 'has not a sufficient *natural* interest in the place where 'he declares himself a candidate; and by such we 'may expect it will always be made use of, as far as 'it can be done with safety, if the candidate has but 'the least hopes of succeeding by such dishonourable 'means. Where there happens a competition, every 'elector has a natural byas to vote for one man rather 'than

[a] Deb. Com. viii. 169.

'than another. And every elector will vote according to his natural byaſs, if he is not bought off. 'Whoever endeavours to buy him off, muſt certainly 'come up to his price; and this price will be higher or 'lower according to the elector's honour and circumſtances, and the natural byaſs he has for the other candidate. A great many men may be perhaps bought 'off with 100 or 1000 guineas, who if *half* that ſum 'were offered would ſpurn it away with an *honeſt* diſdain. I hope, Sir, there are a great many electors 'in this kingdom, whoſe honour upon ſuch occaſions, is above the power of any ſuch corrupt temptations: but that there are likewiſe a great many 'who may be bought, is a fact which I believe no 'gentleman in this houſe will diſpute; and in this 'view let us examine the difference between triennial 'and ſeptennial parliaments. Give me leave then to 'ſuppoſe two gentlemen ſet up in oppoſition to each 'other for repreſenting one of our little boroughs in 'parliament; one of them a country gentleman of a 'great natural intereſt in the place; the other a citizen of *London*, or a placeman not near equal to him 'in intereſt; but depending entirely upon the money 'he is able to lay out. Suppoſe the citizen or placeman comes to a calculation, and finds that it will 'coſt him at leaſt 3000 *l.* to buy the country gentleman out of his intereſt in that borough; if the parliament were to continue but for three years, he 'would very probably reſolve not to be at ſuch an 'expence, and ſo would refrain from being guilty of 'the crime of corrupting his countrymen; but when 'the parliament is to continue for ſeven years, he may 'as probably reſolve to be at that charge. Thus by 'corruption he may get a ſeat in this houſe, and it

'is to be feared that he, who comes in by corruption, 'will not walk out with clean hands. Gentlemen 'are very much miſtaken if they imagine that the 'price of an elector depends upon the duration of a 'parliament, or that a man who ſells his vote for '100 guineas at an election for a ſeptennial parliament, 'would ſell his vote for the half of that ſum, if the 'parliament to be choſen were to continue only for 'three years. No, Sir, there are very few of this 'ſort of electors who think of futurity; the *preſent* 'offer is the temptation, and the only temptation which 'can be of any weight with them. Beſides, they can-'not depend upon having the like offer made them at 'the next election; and 50 guineas ready money with 'an *uncertain* hope of having 50 more three years 'hence, is not, ſurely, ſo great a price, as 100 guineas '*ready down*. The natural intereſt of the country 'gentleman, and the honour of the electors, are what 'the dealers in corruption have to contend with; and 'againſt theſe a ſmall price cannot be ſo prevalent as 'one a little higher. Some may perhaps be corrupted 'by a ſmall price; but certainly the *higher* it is, the 'greater will the *numbers* be that are tempted to yield 'to it; and as a man may give a higher price at the 'election for a ſeptennial parliament than he can do at 'one for an annual or triennial, therefore the greater 'the numbers will be of thoſe who yield to his temp-'tation, the more he may depend upon corruption; 'and the more it is to be depended on, the more 'general and the more frequent will it certainly be. 'From hence it appears evident, that the *increaſe* of 'bribery and corruption is as natural a conſequence of 'ſeptennial parliaments, as any one thing can be con-'ceived to be the conſequence of another. There is 'no way, Sir, of effectually preventing corruption,

'but

'but by putting it out of the *power* of any man to 'corrupt: there is no corrupting any man but by coming up to his price; therefore the only way of putting it out of the power of any man to corrupt, is to put it out of the power of any man to come up to 'the price of any number of electors; and this can 'only be done by making our elections frequent: the 'more frequent, the better. It is certain, a gentleman, who enjoys a good penſion for ſeven years, is 'more able to give a high price, than if he had enjoyed that penſion but for one year or even for three; 'and he will more willingly give a high price, when 'he is thereby to purchaſe the continuance of the penſion for ſeven, than for one, or for three. This, Sir, 'is ſo evident, that I am aſtoniſhed to hear it controverted within theſe walls. If our parliaments were 'annual, it would be impoſſible for place-men or penſioners to ſave as much *yearly* as would be ſufficient 'to bribe country gentlemen out of their intereſt, and 'the electors out of their honeſty; which I am afraid 'is a practice now too frequent in many parts of this 'kingdom. How can it otherwiſe be imagined, the 'people would chuſe perſons they never ſaw, perſons 'they perhaps *never heard of*, in oppoſition to gentlemen who live in the *neighbourhood*; gentlemen 'who give them daily employment, by buying in their 'ſhops and markets all the manufactures and proviſions 'they have uſe for in their families, and gentlemen 'whoſe anceſtors have perhaps often repreſented that 'very place in parliament with great honour and univerſal approbation?'

Sir *William Wyndham*, in the ſame debate, ſhews the evil of long parliaments in *one* view as follows. 'Let us ſuppoſe a gentleman at the *head* of the *ad*'*miniſtration*, whoſe only ſafety depends upon cor-

'rupting the members of this houſe. This may now 'be only a ſuppoſition, but it is certainly ſuch a 'one as may happen; and if ever it ſhould, let us ſee 'whether ſuch a miniſter might not promiſe himſelf 'more ſucceſs in a ſeptennial than he could in a tri-'ennial parliament. It is an old maxim, That every 'man has his price, if you can but come up to it. 'This I hope does not hold true of every man; but 'I am afraid it too generally holds true; and that of 'a great many it may hold true, is what I believe 'was never *doubted* of; though I don't know but it 'may now be *denied:* however let us ſuppoſe this diſ-'treſſed miniſter applying to one of thoſe men who has 'a price, and is a member of this houſe. In order to 'engage this member to vote as he ſhall direct him, 'he offers him a penſion of 1000 *l.* a year: if it be 'but a triennial parliament, will not the member im-'mediately conſider thus within himſelf, If I accept 'of this penſion, and vote according to direction, I 'ſhall loſe my *character* in the country; I ſhall loſe 'my ſeat in parliament the next election, and my pen-'ſion will then of courſe be at an end; ſo that by 'turning *rogue* I ſhall get but 3000 *l.* This is not '*worth* my *while*. And ſo the miniſter muſt either 'offer him perhaps the double of that ſum, or other-'wiſe he will probably determine againſt being cor-'rupted. But if the parliament were ſeptennial, the 'ſame man might perhaps ſay within himſelf, I am 'now in for ſeven years. By accepting of this penſion 'I ſhall have at leaſt 7000 *l.* This will ſet me above 'contempt; and if I am turned out at next election, 'I do not value it. I'll take the money in the mean 'time. Is it not very natural to ſuppoſe all this, Sir? 'And does not this evidently ſhew that a wicked mi-'niſter cannot corrupt a triennial parliament with the

'ſame money as he may a ſeptennial? Again, ſup-
'poſe this miniſter applies to a gentleman who has
'purchaſed, and thereby made himſelf member for a
'borough at the rate of perhaps 1500 *l.* beſides travel-
'ing charges and other little expences: ſuppoſe the
'miniſter offers him a penſion of 500 *l.* a year to en-
'gage his vote; will not he naturally conſider if it
'be a triennial parliament, that if he cannot get a
'higher penſion, he will loſe money by being a mem-
'ber; and ſurely if he be a right burgeſs, he will
'reſolve not to ſell at all, rather than ſell his com-
'modity for leſs than it coſt him; and if he finds he
'cannot ſell at all, he will probably give over ſtand-
'ing a candidate again upon ſuch a footing; by which
'not only he but many others will be induced to *give*
'*over* dealing in corrupting the electors at the next
'election. But if it be a ſeptennial parliament, will
'he not then probably accept of the 500 *l.* penſion,
'if he be one of thoſe men that has a price? Will
'he not conclude, that for 1500 *l.* [a] he may always
'ſecure his election, and every parliament will put
'near 2000 *l.* in his pocket, beſides reimburſing him
'all his charges. After viewing the preſent queſtion
'in this light, is it poſſible, Sir, not to conclude that
'ſeptennial parliaments, as well as the elections for
'them, muſt always be much more liable to be influ-
'enced by corruption, than triennial, or the elections
'for them, *&c.*' Afterwards he goes on as follows:

'Suppoſe, Sir, that the generality of the electors
'in *England* have virtue enough to withſtand a temp-
'tation of 5 guineas each, but not enough to reſiſt

[a] All articles are enhanced in their prices. There are no boroughs to be had for 1500 *l.* in our times.

'the force of 10 guineas, one with another: is 'it not then much more probable that the gentlemen 'who deal in corruption may be able to raiſe as much 'money once every ſeven years as will be ſufficient to 'give 10 guineas each one with another to the generality 'of the electors, than that they will be able to raiſe 'ſuch a ſum once in every three years. And is it not 'from thence certain, that the virtue of the people 'in general is in greater danger of being deſtroyed by 'ſeptennial than by triennial parliaments? To ſup-'poſe, Sir, that every man's vote at an election is 'like a commodity, which *muſt* be ſold at the market-'price, is really to ſuppoſe that no man has any vir-'tue at all: for I will aver, that when once a man 'reſolves to ſell his vote at any rate, he has then no 'virtue left; which I hope is not the caſe of many 'of our electors; and therefore the only thing we are 'to apprehend is leſt ſo *high* a price ſhould be offered 'as may tempt thouſands to ſell who had *never* be-'fore any thoughts of carrying ſuch a commodity to 'market. This, Sir, is the fatal event we are to 'dread, and is much more to be dreaded from ſepten-'nial than from triennial parliaments. If we have 'therefore any deſire to preſerve the virtue of our 'people; if we have any deſire to preſerve our conſti-'tution; if we have any deſire to preſerve our liber-'ties, our properties, and every thing that can be 'dear to a free people, we ought to reſtore the trien-'nial law; and if that be found too inſignificant, we 'ought to aboliſh prorogations, and return to annual 'elections.'—Afterwards he adds what follows;

'The crown, either by ill management or by pro-'digality and profuſeneſs to its favourites, has ſpent 'or granted away all its eſtates, and the public ex-'pence

'pence is so much enlarged, that the crown must have 'annual supplies, and is therefore under a necessity 'of having the parliament meet every year; but as 'new elections are always dangerous, as well as trouble-'some to the ministers of state, they are for having 'them as seldom as possible; so that the complaint is 'not now for want of frequent meetings or *sessions* 'of parliament, but against having the *same* parlia-'ment continued too long. This is the grievance 'now complained of; this is what the people want 'redressed; it is what they have a *right* to have re-'dressed. The members of parliament may for *one* 'year be looked on as the real and true representa-'tives of the people; but when a minister has seven 'years to practise upon them, and to feel their pulses, 'they may be induced to forget whose representatives 'they are; they may throw off all dependance upon 'their electors, and may become dependants upon the 'crown, or rather upon the minister for the time 'being [a].'

Sir *J. St. Aubyn* observed, in the same debate, that parliaments were generally annual, but never longer than triennial, till *Hen.* VIII. (an obstinate tyrant, who broke through all the laws of God and man, when they stood in the way of his ambition, avarice, or lust) introduced long parliaments, as proper means for enslaving the nation. Sir *John* gives an account much too favourable of *Ch.* Ist's character, and of his hatred to parliaments. *Ch.* II. would have laid parliaments aside; but could not. Therefore he contrived to debauch them. And his long pensioned-parliament will be infamous through all ages. 'It

[a] Deb. Com. viii. 193.

'was the model,' says Sir *John*, 'from which, I 'believe, some later parliaments have been exactly 'copied.' At the revolution, the people claimed their antient right. The triennial law was then established. The septennial law was intended only as a preservative against a temporary inconvenience. The inconvenience being removed, the remedy, which was itself an evil, and a violation of the constitution, ought to be removed, and the constitution restored. Long parliaments become independent on the people, and dependent on the court. If the members are to deny all power in the people to instruct them, and are to sit seven years together voting as they please, in spite of the people, how are they a representative of the people? And if they may sit seven years, though the people have commissioned them only for three, why may they not make themselves perpetual, like the lords, and set the people aside? The power of the crown is always increasing. Therefore members ought to come frequently into the power of their constituents, that they may be kept under the constant awe of acting contrary to their interests. Dangerous attempts on liberty have been prevented by the approach of a general election. Which shews the advantage of short parliaments, which would occasion general elections to be always near. Long parliaments are an unjust exclusion of a great number of gentlemen of property, who ought to have their turn in serving their country. Frequent new parliaments would be a great advantage to our kings. Were parliaments annual, a king might, in the course of 28 years, have the advice of 28 gentlemen, where now he has only that of four. Short parliaments have always been less corrupt than long ones; because a minister must

muſt have time to lay his plans of operation, and erect his batteries againſt the virtue of the members, and men are not immediately debauched. Beſides, the ſhorter parliaments are, the leſs it is worth a miniſter's while to bribe the members, for votes in the houſe; becauſe the ſhorter time his iniquitous ſchemes can ſtand ſecurely if he gains them. And this muſt of courſe *leſſen* the expences, the animoſities, and the corrupt proceedings of elections. Long parliaments *firſt* introduced bribery becauſe they were *worth* purchaſing at any rate; country gentlemen who have only their private fortunes to rely upon, and have no mercenary ends to ſerve, are unable to oppoſe corruption, eſpecially if at any time the public treaſure ſhall be unfaithfully ſquandered away to corrupt their boroughs. 'Country gentlemen, indeed, may make 'ſome weak efforts; but as they generally prove un-'ſucceſsful, and the time of a freſh ſtruggle is at ſo 'great a *diſtance*, they at laſt grow faint in the diſpute, 'give up their country for loſt, and retire in *deſpair*. 'Deſpair naturally produces *indolence*, and that is the 'proper diſpoſition for *ſlavery*. Miniſters of ſtate un-'derſtand this very well, and are therefore unwilling 'to awaken the nation out of its lethargy by frequent 'elections. They know that the ſpirit of liberty, like 'every other virtue of the mind, is to be kept alive 'only by conſtant action; that it is impoſſible to en-'ſlave the nation, while it is perpetually upon its guard. 'Let country gentlemen then, by having frequent op-'portunities of exerting themſelves, be kept warm and 'active in their contention for the public good. This 'will raiſe that zeal and indignation which will at laſt 'get the better of theſe undue influences, by which the 'officers of the crown, though unknown to the ſeveral 'boroughs, have been able to ſupplant country gentle-

'men

'men of great character and fortune who live in their 'neighbourhood. I do not say this upon idle specula- 'tion only. I live in a country where 'tis too well 'known, and I will appeal to many gentlemen in the 'house, to more out of it (and who for *this* very reason 'are *out* of it) for the truth of my assertion. It is a 'sore which has been long eating into the most vital 'parts of our constitution, and I hope the time will 'come when you will probe it to the bottom. For if 'a minister should ever gain a corrupt familiarity with 'our boroughs, if he should keep a register of them 'in his closet, and by sending down his treasury man- 'dates should procure a spurious representation of the 'people, the offspring of his corruption, who will be 'at all times ready to reconcile and justify the most con- 'tradictory measures of his administration, and even 'to vote every crude undigested dream of their patron 'into a *law*; if the maintenance of his power should 'become the sole object of their attention, and they 'should be guilty of the most violent breach of parlia- 'mentary trust, by giving the king a discretionary li- 'berty of taxing the people without restraint or con- 'troul; the last fatal compliment they can pay to the 'crown;—if this should ever be the unhappy circum- 'stance of this nation, the people indeed may complain 'to the crown, but the doors of that place where their 'complaints should be heard, will be for ever shut 'against them [a].'

In the same debate, Sir *J. Hinde Cotton* observed, that the *worst* of our laws have been made by septen- nial parliaments; as the septennial act itself; the law of treason, by which a supposed traitor might be tried in any part of the country at the greatest distance from his

[a] Deb. Com. viii. 141.

his friends and acquaintance; the riot-act; the S. S. act; the plague-act; the exciſe ſcheme (which indeed proved abortive); to which add the ſmuggling-act; the gin-act; the marriage-act; the ſtamp-act, &c. &c. &c.

'Long parliaments' (ſays Mr. *Bromley*, in the ſame debate) 'have in former reigns proved the unhappy 'cauſe of great calamities to this nation, and have been 'at all times declared an innovation upon our conſti-'tution. The people looked upon the ſeptennial bill 'as a dangerous infringement upon their liberties, not-'withſtanding the pretence alledged in the preamble 'to the act, which ſeemed at that time to carry ſome 'weight with it.——That in former times prorogations were unknown, and that as ſoon as the buſineſs 'of a parliament was over, it was diſſolved, and a new 'one called the next year.—That the bill of rights 'declares, that frequent and *new* parliaments tend 'very much to the happy union and good *agreement* 'between king and people.—That the ſeptennial act in 'its preamble complains of the expence and trouble 'of triennial parliaments, and therefore, very ab-'ſurdly, inſtead of propoſing what would have pro-'duced a cure, viz. the reduction of parliaments to '*annual*, propoſes to *aggravate* the evil by *lengthening* 'their period.—That the multiplicity of places held 'by members, is a principal cauſe of conteſts and 'expences about elections.—That long parliaments 'are as demonſtrably to the people's diſadvantage, as 'it is demonſtrably advantageous to have an annuity 'for 7 years, rather than for one [a].'

It has been obſerved by ſome defenders of long parliaments, that even the long penſioned parliament under *Ch.* II. became more faithful to the intereſt of the

[a] Deb. Com. viii. 137.

the people, and more intractable to the court, at last, than at first. Sir *J. Barnard* gives a very satisfactory answer to this in the same debate[a]. 'As to the 'long parliament in king *Charles*'s time, though they 'did not toward the end shew the same servile compliance that they had done many years before, yet 'it is plain that the crown thought that parliament '*fitter* for the purposes of the court, at that time, than 'they could expect any new parliament chosen by 'the people to be; otherwise, as the king had it in 'his power, he would have certainly *dissolved* them 'much sooner: and if that long parliament really 'deserved the name usually given to it, we must conclude that their non-compliance at last was not 'owing to their virtue, or a want of inclination to 'receive, but to a want of *power* in the crown to 'give. The people were not then accustomed to bear 'such heavy burdens as they do at present, the revenues of the crown were not so large, nor the posts 'and places, at the disposal of the crown, so numerous; there was not such a formidable standing army, 'to support the parliament, in case they had gone on 'in the same servile method. And as the complaints 'of the people grew loud and clamorous, as there was 'little to be got and a great deal to be apprehended, 'by the continuance of a servile compliance with the 'court's measures, it is very probable that these were 'the true reasons of that parliament's becoming at 'last so restive. If the nation was now in the same 'state it was at that time, I should not be half so 'much afraid of septennial parliaments as I think I 'have now good reason to be.'

Sir *J. Barnard* gives a very good answer to the trite and disingenuous objection against short parliaments, which

[a] Deb. Com. viii. 181.

which our courtiers are always playing off upon us. ‘ The animosities, disputes, and divisions about elec- ‘ tions, says he, have been set in the most dreadful ‘ light, and have been represented as so great an incon- ‘ venience, that we ought to run the risk of having ‘ our *constitution overturned* rather than submit to it. ‘ But, Sir, can it be imagined that there would be ‘ the same contention for a seat in parliament which ‘ was to continue but for one year, or even for three, ‘ that there is for one which is to continue for seven ? ‘ The example of the city of *London* plainly shews us ‘ the contrary. As the common-council-men and ‘ a great many other officers in the city are chosen ‘ *annually*, I have had occasion to be often present at ‘ these annual elections, and never could find, that ‘ they were attended with any great heats and animo- ‘ sities, or with any inconvenience ; for after the elec- ‘ tion is over, the contending parties go home and ‘ live in the same friendship they did before. And I ‘ am convinced the case would be the very same, if ‘ annual elections for members of this house were ‘ restored. The same man might perhaps be conti- ‘ nued and rechosen every year for many years toge- ‘ ther, probably without any dispute or opposition ; ‘ but his being liable every year to be turned out, ‘ would be a continual check upon his behaviour, ‘ and would make him study the interests of the peo- ‘ ple, instead of pursuing only some private and selfish ‘ views of his own. Even as elections stand at pre- ‘ sent, there would be no such contentions, nor any ‘ such heats and animosities as we hear of if they were ‘ entirely left to gentlemen who have a natural interest ‘ in the place : in such case, if a candidate found him- ‘ self defeated by fair means only, and merely by the ‘ superior interest of his antagonist, it would not raise

‘ his

'his indignation; it would occaſion no heats or ani-
'moſities; he would wait with patience for a new
'opportunity, and in the mean time would endeavour
'to recommend himſelf to his country by acts of hoſ-
'pitality and benevolence. It is *miniſters* of *ſtate*
'intermeddling in elections; it is *election-brokers*
'and ſuch dealers in corruption, that occaſion all
'the heats and animoſities we have: for when a
'gentleman of a great natural intereſt in a place fees
'his electors obliged by *power*, or bribed by *money*,
'to vote againſt him, perhaps in favour of an utter
'ſtranger; it cannot but raiſe his indignation; it
'may indeed be expected to raiſe his utmoſt fury
'and revenge. It is certain, Sir, that if the peo-
'ple were entirely left to themſelves, they would
'without much contention always chuſe thoſe gen-
'tlemen who, by having large properties of their own,
'might be reaſonably ſuppoſed to be ſuch as would
'take the beſt care of the properties of their fellow
'ſubjects: but if the people ſhould ever begin to ſee
'their repreſentatives making their ſeats in parliament
'places of profit, and bartering their votes and their
'behaviour in parliament for poſts, places, and pen-
'ſions; the people will ſoon follow the example of
'their repreſentatives, and will inſiſt upon ſharing
'with them in the profits. Thus, by degrees, the
'minds of the people will be debauched; they will
'be brought to think, that the ſelling their votes at
'elections is no crime; the repreſentatives, who *buy*
'their ſeats, muſt *ſell* their votes; and at laſt all
'regard for the public good will be generally laid
'aſide by all ſorts of men. The only effectual method,
'Sir, of preventing this fatal effect is to reſtore
'annual elections; for then it would be impoſſible

'even for the *treasury* itself, if ever the public money 'should come to be so misapplied, to issue yearly 'sums of money sufficient to get the better of the 'natural interest, which country-gentlemen always 'have in the places where they and their families have 'perhaps for many generations resided. The con- 'sequence of which will be, that none but country 'gentlemen, and those who have a natural interest 'in the place, will ever appear as candidates. And 'thus neither the morals of the people will be de- 'bauched, nor their properties plundered, nor their 'liberties destroyed, by those election-brokers and 'ministerial agents, or their candidates, who never 'can be employed or set up but for such base pur- 'poses. As for our credit *abroad*, which it is pre- 'tended septennial parliaments very much contribute 'to, I think it is evident that it has been *sinking* 'ever since the *septennial* law took place; which con- 'firms what was justly observed by an honourable 'gentleman, That the credit of the nation among 'foreigners does not depend upon the length or 'shortness of our parliaments, but upon that corres- 'pondence and *confidence* which ought always to be 'kept up between the *king* and his *people*. I will 'not say, that this decay of our credit abroad has been 'altogether owing to the septennial law, but I dare 'say, if our parliaments had not been septennial, they 'would probably before now have enquired into the 'conduct of those who have been the causes of this 'decay; and whatever reasons the decay of our credit 'among foreigners may have been owing to, it is now 'come to so low an ebb, that we really seem to have 'almost none to lose. And as I think nothing can 'so effectually restore our credit abroad as the restor-

'ing

'ing our conſtitution at home, I ſhall therefore give 'my vote for the queſtion [a].'

The ſenſe of the city of *London* on long parliaments, is manifeſt from the following inſtruction to their members, *A. D.* 1741.

'When we reflect on the danger of entruſting 'power too long in the ſame hands; when we con-'ſider how often in former times the liberty of this 'country has been ſacrificed and ſold by long conti-'nued parliaments; and that a frequent recourſe to 'their conſtituents, the people, is a certain and ne-'ceſſary check to bad meaſures and worſe intentions; 'we require you to proſecute in the moſt vigorous 'manner a repeal of the ſeptennial act, and to reſtore 'the ſalutary form of triennial parliaments, as the 'principal means of ſecuring the rights, and ſupport-'ing the dignity of a free nation [b].'

In the debate on a motion for annual parliaments, *A. D.* 1744, Mr. *Thomas Carew* argued as follows;

'Sir, The members of this houſe are the great 'and general inqueſt of the nation. We are to take 'notice of, and to take proper methods for redreſſing 'all the grievances that occur, whether they be ſuch 'as relate to the kingdom in general, or ſuch as 'relate to the particular counties, cities, or boroughs 'we repreſent. Now as grievances are almoſt an-'nually occurring, and as ſome grievances are the 'more difficult to be removed, the longer they con-'tinue; therefore it is neceſſary we ſhould viſit our 'conſtituents at leaſt *once* a year, to know their ſenti-'ments, and to examine, upon the ſpot, the grie-'vances they complain of. But this is not to be 'expected, unleſs you make the elections annual; for 'we

[a] Deb. Com. viii. 181. [b] Ibid. xiii. 16.

'we find by experience that after gentlemen are once 'choſen for a long term of years, they fix their abode 'in this city, and ſeldom reviſit their conſtituents, 'till it becomes neceſſary for them to go down to 'ſollicit their votes at a new election. Nay, ſince 'the eſtabliſhment of ſeptennial parliaments, we have 'often had gentlemen in this houſe who never *ſaw* 'the borough that ſent them hither, nor knew any 'thing of its conſtitution or intereſt; perhaps could 'not recollect its name, till they looked into the 'printed liſts of parliament for their own name, and 'there found they repreſented ſuch a borough. An- 'other part of our buſineſs, Sir, is to repreſent to our 'ſovereign the ſentiments of our conſtituents with 'regard to the meaſures he is adviſed by his miniſters 'to purſue, as well as the perſons he employs in the 'executive part of government. If we ever think of 'doing this faithfully and ſincerely, we muſt viſit 'our conſtituents at leaſt *once* a year, becauſe every 'year produces ſome new meaſure, and every year 'ſome new perſons are introduced into public buſineſs. 'This I ſay is another part of our duty, and when it 'is faithfully and ſincerely performed, it is of great 'advantage to the prince upon the throne, becauſe 'it prevents his being led on in a track of unpopular 'meaſures, till both he and his miniſters are over- 'whelmed in the torrent of popular reſentment, which 'often happens in arbitrary countries, where the 'prince is tumbled headlong from his throne, before 'he knows any thing of his having purſued unpopu- 'lar or wrong meaſures; whereas, had he had timely 'information, he might have reſtored himſelf to the 'love and affection of his ſubjects, by making a juſt 'ſacrifice of his wicked counſellors to the reſentment 'of his oppreſſed people. As the *prince* can have no

'intereſt, ſeparate from his people; his intereſt, if he 'rightly conſiders, muſt lead him to gain the love 'and eſteem of his people, and to avoid every thing 'that may give them diſcontent. It is therefore *his* 'intereſt to have always a houſe of commons, that 'knows, and will faithfully and ſpeedily repreſent to 'him the complaints and grievances of his people. 'But this is directly oppoſite to the intereſt of his '*miniſters*. In all countries, and in this as much 'as any other, miniſters have an intereſt ſeparate from 'that of the people. They are for enriching them-'ſelves, their families, tools and ſycophants, at the 'expence of the people; and it is their buſineſs to 'keep all the avenues to the throne ſhut up againſt 'the complaints of the people, leſt the prince ſhould, 'as every wiſe one will, ſacrifice them to his own 'ſecurity. Miniſters muſt therefore be for having 'always a houſe of commons, that either does not 'know, or will not faithfully repreſent to their ſove-'reign, the complaints and grievances of the people; 'and as we are much more affected with what we 'ſee than with what we hear of, it is the buſineſs of 'a miniſter to prevent the members of this houſe, if 'poſſible, from ever ſeeing their conſtituents; becauſe 'the leſs we are affected with, the more eaſily we may 'be prevailed on to conceal from our ſovereign, or 'even to miſrepreſent to him the complaints of the 'people. Thus, Sir, it is apparently the intereſt of 'the *king*, it is apparently the intereſt of the *country*, 'to have *ſhort* parliaments and frequent general elec-'tions; but it is apparently the intereſt of *miniſters*, 'eſpecially *wicked* miniſters, to have parliaments as 'long and general elections as ſeldom as poſſible [a].'

It

[a] *Alm.* Deb. Com. II. 11.

It was argued by Mr. *Carew*, in the ſame debate, that it would be very imprudent for a private perſon to give a power of attorney for a *long* time, when he might for a *ſhort*; that it is equally imprudent for the people to give parliament a power of attorney for 7 years, when they may reſtrict it to three, or to one [a].

Mr. *Sydenham*, in the ſame debate, ſhews, that long parliaments produce and increaſe corruption of *manners* in the people. That the virtues of both patriotic and military courage are overlooked and unrewarded by a corrupt miniſtry, and *parliamentary* intereſt, and uſefulneſs in carrying on their dirty ſchemes, *only* taken notice of at court; [ſo that the way to our *modern* temple of honour is through the temple of corruption.] That the old *Engliſh* hoſpitality is deſtroyed by gentlemen's taking up their reſidence at *London*, where they are in the way of hanging upon the miniſter, and waiting at the catch for places as they fall. That their country ſeats are thus left deſolate, and the land is become a deſart. That long parliaments, and conſequent corruption, ſtrike at the very root of moral *honeſty*. For what is ſoliciting for a vote, but gravely propoſing to a man to declare himſelf a *raſcal*? And what is a man without probity, or a woman without chaſtity? Whoever has forfeited his or her character in theſe cardinal articles, we naturally ſuppoſe capable of every ſpecies of vice. That electioneering deſtroys all *frugality* and *induſtry* in the people, and makes them neglect their lawful employments to go a madding; which would not be, if parliaments were ſhortened, becauſe it would not

[a] *Alm.* DEB. COM. II. 1.

be *worth while* to make a conteſt about an election, &c.

Lord *Hillſborough*, in the debate on the regency-bill, *A. D.* 1751, in which it was propoſed, that the parliament which ſhould be ſitting at the demiſe of *Geo.* II. ſhould ſit three years after the acceſſion of his preſent majeſty, ſpoke, on that clauſe, as follows: 'It is a meaſure at no time eligible; in the preſent 'time it may be dangerous. It has been advanced, 'that parliaments have a *power* and right to *prolong* 'their duration, and that the *ſalus populi* frequently 'requires it. But I do abſolutely deny that a par-'liament has any legal power, or right, to prolong 'the time limited by law without the conſent of the 'electors, or *people*, who ſent them to parliament, 'and whoſe repreſentatives they are; and I do ſay, 'and do inſiſt upon it, that whenever parliaments 'do take upon themſelves to prolong the time of their 'duration, ſuch prolongation is an *infringement* of 'the liberty of the electors in a moſt eſſential part, 'and tends to deſtroy that freedom which they were 'choſen to defend. For liberty never was, nor ever 'will be, preſerved, unleſs thoſe who have the powers 'of the people delegated to them be frequently re-'moved. It was by the frequent rotation and change 'of magiſtracy in all countries of the world, that free-'dom and independency hath been preſerved.—It is 'upon this principle we find the people of *England* 'at all times crying out for *frequent* parliaments. 'And I am ſure if ever frequent parliaments were 'neceſſary, they are eſſentially ſo in the preſent times[a].'

In the year 1759, it was moved, that leave be given to bring in a bill for ſhortening the term and dura-

[a] *Alm.* Deb. Com. iv. 357.

duration of parliament [a]. The motion was rejected, becauſe it was a time of war. A frivolous reaſon. All times are proper for doing what is proper. If a nation is at peace, eſtabliſh that peace by redreſſing grievances. If the times are troubleſome, nothing will contribute more to quiet them, than correcting abuſes. 'It muſt be granted' (ſays a member of the commons on that occaſion) 'that bribery and corruption in elections muſt always be the neceſſary 'conſequences of long parliaments, and that if bribery and corruption in elections be not put an end 'to, they will put an end to our *conſtitution*, and 'eſtabliſh in this nation the very worſt ſort of govern-'ment that was ever in any country eſtabliſhed. For 'gentlemen will ſoon find out, if they have not found 'it out already, that it can ſignify nothing to ſtand 'candidates for members of parliament in oppoſition 'to the *miniſters* for the time being; becauſe, tho' 'a *few* of them by their popularity, their hoſpitality, 'and their great expence at the time of the elections, 'may get themſelves choſen, yet the *miniſters*, by 'bribery and corruption, will always procure a *majo-'rity* of their friends to be elected, or at leaſt returned, 'for the next enſuing parliament, ſo that no man, 'who ſets up upon a truly patriotic ſcheme, can 'thereby propoſe to do his country any real ſervice. 'And when this comes to be the general opinion, no 'man, who is governed ſingly by a ſincere love for his 'country, will ever think of ſtanding a candidate at 'any election. On the contrary, ſuch men will 'always avoid being choſen, that they may not expoſe 'themſelves to the reſentment of the court, without

[a] Lond. Mag. *May*, 1759, p. 236.

'being thereby able to ſerve their country. Conteſted 'elections may ſometimes happen; but it will never be 'about who ſhall *ſerve*, but about who ſhall *ſell*, their 'country. Conſequently it is evident, that bribery 'and corruption at *elections* muſt at laſt bring on 'bribery and corruption in the *houſe*. Can we expect 'that a corrupt parliament will ever refuſe to grant 'the crown what number of ſtanding *forces*, or what 'public *revenue*, the miniſters for the time being may 'pleaſe to inſiſt on? Thus we ſhall at laſt be brought 'under that very form of government which was 'eſtabliſhed at *Rome* under their firſt emperors, that 'is to ſay, an abſolute monarchy ſupported by a cor-'rupt parliament and a mercenary army; and the 'hiſtory of the *Roman* empire, from its firſt eſtabliſh-'ment to its utter extinction, muſt convince us, that 'it is the very worſt form of government that 'ever was invented; for from thence we may learn 'that ſuch monarchs as the *Roman* emperors may 'ſacrifice the public intereſt to their private paſſions 'more openly, and may commit more whimſical cru-'elties under the form of law, than any arbitrary 'monarch dare venture upon; and that ſuch a par-'liament will always be more factious under a good 'prince than under a wicked and tyrannical one; 'becauſe the former will diſdain to ſacrifice the pub-'lic ſervice ſolely to parliamentary merit, or to ſquan-'der the public money in bribing the electors or the 'members, both which the latter will always do with-'out meaſure or reſerve. Such a form of government 'muſt neceſſarily be the moſt oppreſſive upon the 'poor, the moſt inconſiſtent with trade and com-'merce, and of the moſt pernicious conſequence to 'the religion, morals, and courage of the people.

'I ſay

'I say first, that such a form of government must be 'the most oppressive upon the *poor*, because taxes 'must be imposed for the support of the government; 'and as the rich must have always a great influence 'in parliament, they will in the methods of taxa-'tion take as much care as they can of themselves. 'Therefore they will chuse to supply the public reve-'nue by taxes upon the *necessaries* and conveniences 'of life, because to every such tax a poor man, who 'lives comfortably by his labour, pays as much as 'the richest man in the kingdom. And such taxes 'the ministers of the crown will always be most fond 'of, because of the multitude of *officers* that must be 'employed in the collection. In the next place I 'say that such a form of government must be the most 'inconsistent with *trade* and commerce, which must 'be evident from what I have just mentioned; for 'taxes upon the necessaries and conveniences of life 'must raise the price of labour. This must raise the 'price of every sort of manufacture; and this must 'diminish, if not totally prevent, their sale at any '*foreign* market. And, lastly, I say that such a form 'of government must be of the most pernicious con-'sequence to the religion, morals, and courage of 'the people. For as to the religion and *morals* of the 'people, it is evident the more profligate the people 'generally are as to every principle of religion, mo-'rality, or politics; bribery and corruption will, 'both in parliament and at elections, have the greater 'and the more certain effect. In such a form of 'government therefore the governing powers will take 'every method they can contrive for subduing and 'rooting out of the human mind every passion, every 'affection, but the desire of sensual pleasure and its

'conſtant attendant, a boundleſs love of money. In 'all aſſemblies the members will harangue and vote 'not for the ſake of gaining eſteem or of ſerving their 'country; but for the ſake of raiſing their price; in 'the church the clergy will ſtudy and preach, not 'for the ſake of religion, but of getting better bene-'fices. At the bar, the lawyers will plead not for 'the ſake of juſtice, but of increaſing the number or 'the value of their fees; and in the wars, either by 'land or ſea, the ſoldiers will fight not for the ſake 'of glory or the honour of their country, but of 'plunder or prizes. Thus the love of *money* will 'become the ſole *governing* principle among the peo-'ple; and whilſt the government can, by taxes or 'otherwiſe, get money enough to anſwer this popular 'paſſion of its own creating, it will continue abſo-'lute and undiſturbed; but the moment it ceaſes to 'be able to do ſo, faction will enſue in their aſſem-'blies, and mutiny in their fleets and armies. Then 'as to the *courage* of the people, in ſuch a form 'of government, it is certain that the governing 'powers will take every poſſible method to render 'the people in general cowardly, undiſciplined and 'unarmed; becauſe the more they are ſo, the more 'eaſily they may be overawed by a mercenary ſtand-'ing *army*, the more impoſſible it will be for any 'great and antient family to defend themſelves by 'an inſurrection of the people in their favour 'againſt the moſt unjuſt and cruel oppreſſion. Even 'as to thoſe of the ſtanding army, courage, as well 'as every other ſort of virtuous merit, will be neg-'lected, or at leaſt not duly rewarded; becauſe all 'public *rewards* will, and indeed muſt, be applied 'by the governing powers towards gaining and ſecur-'ing

'ing thoſe who are rich enough to be aſſiſting to the 'government in bribing and corrupting the people at '*elections*, and baſe enough to vote conſtantly in 'parliament as directed by the miniſters for the time 'being.'

April 26, 1771, Mr. *Sawbridge* made a motion for leave to bring in a bill to ſhorten the duration of parliaments. He ſhewed, that this branch of the conſtitution had been eſtabliſhed by our *Saxon* anceſtors, at which time they had only been *annual*; that they were ſet aſide 140 years by the *Normans*; that on their revival they had continued of ſhort duration (moſtly annual) till the reign of *Hen.* VIII. whoſe tyranny was never complete till eſtabliſhed by that long parliament; that the next long parliament was that commonly ſo called of 1641. The penſionary parliament in the reign of *Cha.* II. was productive of the worſt conſequences to the conſtitution; to remedy which the triennial bill was paſſed, forbidding parliament to ſit more than three years. This was overturned by that *breach* into the *conſtitution* in the reign of *Geo.* I. the paſſing of the *ſeptennial* bill. Though perhaps the particular neceſſities of the times might render ſuch an act at that day uſeful, (a rebellion juſt cruſhed, and a pretender to the throne, making it improper to call the people together at that time) yet that neceſſity was *now* at an end, none of thoſe dangers now hanging over us. That the length of parliaments gave up that *power* which the *conſtituents* ought to have over their *repreſentatives*, viz. of frequent examination into their conduct, and rejection of them if they thought them unworthy. That long parliaments gave an opportunity to an intimacy between the *miniſters* and the *members*, always dangerous and deſtructive to the conſtitution; that in

ſhorten-

ſhortening the duration of parliaments he ſhould incline to *annual*, as ſubject to fewer objections, in his opinion, than triennial, but that muſt be the ſubject of future debates. Meſſ. *Townſend*, *Dempſter*, *Turner*, *Barre*, &c. ſupported this meaſure: they frequently called on *adminiſtration* to ſhew any reaſons why a bill ſhould not be brought in. But to the amazement of moſt members, not one word was uttered by them; the moſt contemptuous ſilence was obſerved. On this great national queſtion the ſhort appeal was to the numbers at the command of the miniſter, and the only declared *reaſons* were 105 to 54[a].

Mr. *Sawbridge*, *A. D.* 1773, moved the houſe of commons again for ſhortening parliament. He obſerved, that in the *Saxon* times, for above 500 years, the period of parliaments was ſhort, to the great advantage of the conſtitution; that from the *Norman* invaſion to *Hen.* III. parliaments were either diſcontinued, or had loſt their former efficiency; that after a ſtruggle of half a century, this valuable acquiſition was recovered, and the conſtitution brought back to its firſt principles; that from thence to *Hen.* VIII. parliaments were frequent, and their happy conſequences notorious; that during the reign of that arch tyrant, they were for the firſt time lengthened, on which the corruption of our repreſentatives, and the bloody acts of that monſter of cruelty are the beſt comment; that from his demiſe to the rump parliament, we were happily freed from the bane of *Engliſh* liberty, to which ſucceeded the long penſion-parliament of *Ch.* II. which is too well known to need any comment; that after the revolution many brave

[a] *Alm.* Deb. Com. ix. 298.

brave independent men endeavoured to put it out of the power of bad princes, or corrupt miniſters, to undermine the conſtitution, while the forms of it remained, and at length prevailed ſo far as to obtain the triennial bill; but all thoſe advantages were again loſt, *A. D.* 1716, by the ſeptennial bill. That he thought it was better the *revolution* had never happened, than that ſeptennial parliaments ſhould be fixed upon us. He expected his motion to be oppoſed by the enthuſiaſtic ſticklers for old cuſtoms, and by all miniſterial men, &c. The *treaſury* bench, as before, ſat *ſpeechleſs*. The queſtion was put. Carried againſt the motion 133 to 45 [a].

Mr. *Oliver*, in ſupport of Mr. *Sawbridge*'s motion, obſerved, among other particulars, That the king, according to the original conſtitution, has the *executive* power wholly in his own hands; but that *parliament* of late years has encroached upon the king's prerogative. That parliament, inſtead of itſelf governing, is appointed to be a *check* upon government, 'to watch 'over the king and the courts of juſtice, to guard the 'rights and privileges of the people, and in their 'name, and by their direction, to grant occaſional 'national ſupplies for national purpoſes.'—'That long 'parliaments tend naturally to make the members 'forget and neglect the very ends of their inſtitution, 'and to conſider themſelves, not as mere *delegates* 'and *attornies* of the people, but as perſons choſen to 'be the *abſolute* governors of the country.' He obſerved, that 'parliament, which was appointed to 'watch over adminiſtration, is become itſelf the adminiſtration; and that for the faithful ſhepherds dogs 'of

[a] WHITEHALL EVEN. POST, *Jan.* 26, 1773.

'of former times, we have now, by an unnatural co-'pulation, a breed of *wolves* to guard the flock.' He reaſons, he ſays, 'not by inference and probable con-'cluſions; but from experience.' He then mentions a motion lately made, for inquiry into the conduct of the courts of juſtice; which motion was *rejected*; and a late demand of half a million for the civil liſt, which was immediately *granted*, without any inquiry into the cauſes of a deficiency, or into the application of ſuch prodigious ſums. 'Whenever a ſupply is moved for, '(ſays he) however enormous the ſum, it is readily 'granted; for the adminiſtration, who *receive* the 'money, ſit upon theſe benches. Whenever an ef-'fectual inquiry into the application of money is moved 'for, it is as readily refuſed; for the adminiſtration, 'who *apply* it, ſit upon theſe benches. The proceed-'ings of the courts of juſtice, and the application of 'public money were formerly the great objects of par-'liamentary inquiry. Now parliament is only a check 'upon hackney-coachmen, &c.' [a]

A. D. 1773, the livery of *London* came to a reſolution, which they ordered to be publiſhed, 'That they 'will vote for no candidate at an election of member for 'the city, till he has ſigned a ſolemn engagement to 'promote, by every means in his power, either in or 'out of the houſe, a perpetual act for ſhortening the 'duration of parliaments [b].'

At a numerous meeting of freeholders of *Middleſex*, at *Mile-End*, *A. D.* 1773, 'Reſolved, That 'it is the opinion of the freeholders of the county of '*Middleſex*, that a return to the antient mode of 'repreſentation

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[a] WHITEHALL EVEN. POST, *Jan.* 30, 1773.

[b] See the News-papers of *March* 11, &c.

'representation in short parliaments, and a bill for 'the exclusion of placemen and pensioners from the 'house of commons, is the most likely method of ob- 'taining a redress of the various grievances under 'which the subjects of this kingdom labour [a].'

A noisy declaimer in the house of commons, on what is called the patriotic side, published a thing a few years ago, intituled, if I forget not, *Considerations on the Causes of the present Discontents*; in which he fairly declared, he did not think shortening parliaments, or excluding placemen would answer. He said the grievances were only to be remedied by I know not what public men, who were to be responsible. But most people thought this a very gross confession, that he did not mean the public advantage; but that he wanted to be one of the public responsible men [b].

CHAP. VI.

Of Exclusion by Rotation.

THE shortening of parliaments *alone*, without *exclusion* by *rotation*, would prove only a palliation, not a *radical* cure. It would, if I may so suddenly change the metaphor, be stopping some, but not *all* the leaks. Suppose parliaments reduced to annual, might not a court candidate bribe his electors with a seventh part of what he now gives for his borough? And might not the minister bribe the

[a] WHITEHALL EVEN. POST, *Thursd. April* 29, 1773.
[b] See Mrs. *Macaulay*'s shrewd Answer to this piece.

the corrupt member's vote in the houſe with a ſeventh part of what he now gives? I do not forget what is obſerved on this by Sir *W. Wyndham*, in his ſpeech above quoted, p. 148. *viz.* "That a ſeventh part of a ſum would make ſo poor a figure, that it would hardly prove a temptation. That though an elector might think it worth while to be damned for 20 or 21 guineas, he might grudge to hazard his ſoul for the ſcurvy price of three, as he might die before next election; and that a member, who might be expected to ſell himſelf to the devil and the miniſter for a penſion of 700 *l.* a year, would deſpiſe a ſingle hundred." Allowing all this its due weight, it is ſtill true, that a member choſen annually for ſeven years together, has at the end of the ſeven years ſat *as long* in the houſe as if he had been choſen for ſeven years at *once*; and how far rogues might have an underſtanding between themſelves, ſo as to elude this ſalutary regulation, an honeſt man cannot gueſs. It is a common electioneering trick in our times, for the candidate to *lend* the electors ſmall ſums upon their notes of hand; thoſe notes underſtood to be void if the elector votes aright. Might not the ſame game be played between the elector and the candidate, and between the member and the miniſter, if the period of parliament were reduced to annual? This could certainly *not be*, if it were certain, that the very next ſeſſion *two thirds* of the members muſt be *excluded* by rotation; becauſe whatever was by the corrupt ſet voted, might be unvoted the very next ſeſſion, and then—*Omnis labor effuſus*; the money would be all thrown away; the proſpect of which would effectually *prevent* the miniſter's hazarding it. Beſides, it would be impoſſible to find a ſufficient *number* of places. As the period of parliament

ment is at preſent, if the miniſter can, by all his corrupt arts, aided by the hopes and fears of members, influence 255 of the houſe of commons, he is ſecure for ſeven years. But if two thirds of the houſe were to be changed every year, he muſt find means for attaching to his party *ſeven* times that number, or 1785, in every ſeven years, which would conſiderably clog the progreſs of court-influence in parliament. I mention two thirds of the houſe, and not the whole, becauſe it is pretended by the court-party, that it is neceſſary to keep in the houſe ſome of the great officers of the ſtate, and that a whole houſe of unexperienced members would be at a loſs about the forms, &c. As the ſhameful *injuſtice* done by long parliaments to gentlemen, who have a *right* to be in authority ſome part of their lives, is a ſtrong argument againſt their continuance; ſo it is to be remembered, that without excluſion by rotation, the mere ſhortening of parliaments even to annual would not redreſs *this grievance*. If the majority of the houſe be not changed every other year, the ſame men may be re-elected for 20 years together; and if a place-bill ſhould be paſſed, tricks may be played by riding or ſplitting of places, unleſs a rotation bill is likewiſe paſſed. The city of *London*, or county of *York*, cannot be bribed, but their members may. Therefore there is no ſecurity without excluſion by rotation. But with that regulation and the others, bribery might eaſily be rendered *impracticable*.

Harrington propoſes, that every domeſtic officer, magiſtrate, repreſentative, &c. be excluded from his place of power and truſt for a term equal to that of his employment [a], and that a third part of the houſe of commons

[a] OCEANA, 537.

mons be chosen annually; and a third part, *viz.* those who have sat full three years, give place to the newly elected. Such a rotation would give all persons of consequence their turns in the government [a].

CHAP. VII.

Of electing by Ballot.

THE electing of members by ballot would likewise be a check on court-influence in parliament. There ought to be no voting *vivâ voce*, where balloting would better prevent influence, caballing, animosity, or resentment. Therefore all elections for members of parliament ought, as things are *now*, to be by ballot. Courts of directors, members of the commons in their house, and all those, who are liable to be called to *account* for their transactions (which peers, electors, jurymen, *&c.* are not) ought to vote with an *audible* voice.

But let it be observed here, that making parliamentary representation *adequate* would supersede the necessity of balloting at elections. For court-influence, and whatever else could byas *electors*, would be then utterly cut up by the roots, when many thousands of votes were necessary to send in the members for any one county, comprehending its towns. To set about bribing 401 electors in order to gain one member, or 202,104 electors to secure a *majority* in the house, a minister must be lord of the mines of *Potosi*.

It

[a] OCEANA, 54.

It is thought by some authors, that the *Athenians* chose their 9 archons by ballot for 160 years [a]. Their senate of 400, and the prytanes were chosen by lot [b].

Balloting was used in some cases at *Rome*. And when, through the prevalence of corruption, that free manner of voting went into desuetude, it was restored by the *lex Papiria* and the *lex Gabinia*.

The *Roman* senate did not vote by ballot; but the people did. *Salust* (if he be the author of the FRAGM. TO CÆSAR) and *Cicero*, in CORNEL. express their wish, that balloting were used in the senate.

Elections of magistrates being troublesome, causing heats, and dissensions among the people of *Florence*, it was agreed that the electors, who consisted of the president and members of the college [should have been *all* people of *property*] should write on tickets, and inclose in a chest, the names of such citizens, as they thought fit to be in the magistracy; and that when the day of election came, a set of those names should be taken out, after shaking the chest, and the names first drawn should be the magistrates elect, and to continue three years and a half [c]. This method was kept up at *Florence*, while the republican government continued. *Aretin* disapproves it, but we know not why.

At *Venice* all elections are made by ballot, and all voting in the great council, the college, the senate, and all the courts of judicature is done by ballot, without any mistake, or any sort of confusion, or dis-

[a] *Ubb. Emm.* DE REP. ATH. I. 24. [b] Ibid. 36, 37.
[c] MOD. UNIV. HIST. XXXVI. 77.

turbance, which prevents bribery, faction, animosities, and all bad consequences [a].

A motion made in the house of commons, *A. D.* 1707, that all election questions be decided by balloting, was rejected. To be heard and determined at the bar of the house [b].

It was again proposed, *A. D.* 1708, that questions concerning elections should (if either competitor desired) be decided by ballot. Carried in the negative. I suppose they thought balloting dangerous, when there were so many jacobites [c].

A bill for electing the *Scotch* peers by ballot was moved in the house of peers, *A. D.* 1734. Miscarried. Many lords protested, because balloting is the freest manner of electing, and the most likely to defeat ministerial influence, which was to be feared in a matter of such consequence.

'The method of voting by ballot, say they, appears to us infinitely preferable on many accounts; for as it is well known, there are several alliances among that body of nobility, many of the peers may be put under great difficulties, their *alliances* drawing them one way, and their *opinion* and inclination another way. It is also possible, that by pensions from the crown, or by civil or military preferments, some of them may lie under obligations to a court, and be reduced to the hard necessity (under the power of an arbitrary minister) either of *losing* their *employments*, or of voting against their nearest relations, and their own opinion also. We apprehend that no election can be called perfectly free, where any number of the electors are under *any* *influence*

[a] *Cole*'s MEM. p. 16.
[b] DEB. COM. IV. 103.
[c] *Tind.* CONTIN. II. 108.

'*influence whatsoever*, by which they may be biassed 'in the freedom of their choice [a].'

Judge *Blackstone* is against voting by ballot in the house of commons, 'because the conduct of every 'member is subject to the future *censure* of his *con-* 'stituents, and therefore should be openly submitted to 'their inspection [b].' Upon what principle is it then, that the house, from time to time, orders the galleries to be cleared? Is it that their constituents may not *see*, nor *know*, nor consequently be *able* to censure their conduct in the house? Of which more fully in the sequel.

Harrington is for balloting on all occasions [c].

Balloting is used in many cases, as in the elections in the India-house, the Royal society, *&c.* but it is not practised where, above all, it ought (while things continue on their present foot) to be used, *viz.* in the election of members of parliament.

'It is customary in the borough of *Limmington* 'in *Hampshire*, to elect by ballot' [the manner of which the writer there describes.] 'This method I know 'to be of great advantage where it is made use of. 'It prevents animosity and distaste, and very much 'assists that freedom, which ought to be in elections. 'No man, in this way, need fear the disobliging of 'his *landlord*, *customer*, or *benefactor* [d].'

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[a] Deb. Lords, iv. 220. [b] Comm. i. 181.
[c] See Oceana, p. 85, *et seqq.* 537.
[d] State Tracts, time of K. *William*, i. 161.

BOOK IV.

Effects of the above Irregularities.

CHAP. I.

Members of Parliament no longer hold themſelves reſponſible to the People.

FROM the inadequate ſtate of repreſentation in parliament, and the enormous length of their period, have ariſen ſeveral moſt fatal conſequences. The firſt I ſhall mention is, That members, being generally elected by *handfuls* of perſons, poſſeſſed of *little property*, and *leſs knowledge* of the intereſt of their country, and impowered as law-makers for *ſeven years*, have given up all thought of being *accountable* to any ſet of men upon earth for their proceedings in parliament. And it muſt be allowed, that on the preſent ludicrous foot on which repreſentation ſtands, it would be *diſgracing* a gentleman beyond ſufferance, to call him to the bar of a ſet of poor unlettered *Corniſh* burghers, and to expect him to anſwer the *ſilly* queſtions they would put to him concerning his conduct in the houſe, of which they cannot be ſuppoſed competent judges, any more than they are of the *qualifications* of a legiſlator, which ſhews the abſurdity of their having the power of *making* legiſlators, not for themſelves only, but for the nation in general. Were parliamentary repreſentation upon its proper foot, no member would be ſent into the houſe by a puny *burgh*; but

but *all* would be *county-members*, and every member would have, to his admiſſion as a law-maker, the ſanction of the majority of the inhabitants of a county, comprehending the cities and towns in it. From ſuch a *reſpectable* body as this, it would be an honour to gentlemen to receive inſtructions; and to be reſponſible to them, would not be beneath the dignity of any perſon whatever.

It is notorious, that the right of conſtituents to inſtruct their members, and the conſequent duty of members to obey inſtructions, is in our times queſtioned by many, and by many given up. Yet it is certain, firſt, that no *harm* could come from the members of parliament being obliged to wait for inſtructions from their conſtituents, ſuppoſing the conſtituents what they ought to be, becauſe *legiſlation* is, the leaſt of any thing, a matter of *haſte*; and the executive is not in the parliament.

There ſeems to be a palpable inconſiſtency in the courtly doctrine, That the people are wholly *unqualified* for judging of political matters, and that therefore their ſenſe in petitions, remonſtrances, and inſtructions, is not to be regarded. If ſo, why is the choice of members of parliament left to the *people?* Why ſhould not the *miniſtry* nominate them at once? If the people are incapable of judging of politics, they are incapable of judging of the qualifications of *members*. But to ſet this abſurdity in its full light, it is to be obſerved, that the courtiers, at the ſame time they argue for the incapacity of the people in *general*, inſiſt that the election of legiſlators is beſt truſted to the *moſt incapable* part of the people. Similar to which ingenious reaſoning is their plea, when they tell us, 'The people are in fault, why do they

'let themſelves be bribed by the court?' So every town-rake cries out againſt the frailty of women (himſelf the cauſe of the failure of female virtue.) And becauſe the people are *liable* to be corrupted, our courtiers inſiſt, that the election of law-makers is beſt in the hands of that part of the people who are *moſt liable* to be corrupted. Into ſuch abſurdities do men plunge themſelves, when they undertake the defence of what their underſtandings and conſciences revolt againſt!

In the remarkable anſwer of lord *Percival*, member for *Weſtminſter*, to inſtructions ſent him by his conſtituents [a], we have that gentleman's notion of the duty of repreſentatives in reſpect of inſtructions. And he ſpeaks the ſenſe of too many.

'Gentlemen, you are welcome upon all occaſions, 'and I look upon this application as a freſh inſtance 'of your friendſhip.——As I never concealed my prin-'ciples from you, ſo I will never depart from them. 'The only motives that direct my conduct are the pre-'ſervation of the conſtitution of my country, the 'ſecurity of the preſent royal family upon the throne, 'and the common liberty of *Europe*.——Theſe views 'I ſhall always think inſeparable.——In the proſecu-'tion of them, my judgment ſometimes may, my 'heart ſhall never fail me.——I remember on my part, 'that to your independent voice, I owe my ſeat in 'parliament:—on yours, you will not forget that I 'ought to be independent there.' [True, my good lord, you ought to be independent on a *court*; but not on 10,000 people of property who ſent you to parliament on purpoſe to do *their* buſineſs.] 'When I differ 'from your ſentiments, I ſhall do it with great reluc-'tance,

[a] Deb. Com. xiv. 30.

'tance, and then only when I am convinced, that 'your *true interest* must extort it from me.' [Of which true interest your lordship, of your great *modesty*, holds yourself a better judge than the many thousands who employ you as their *agent*. How would your good lordship take such language from your steward?] 'In such a case the crime is equal 'to flatter popularity,' [to do your constituents' business, as *they* chuse, is to *flatter* popularity?] 'or to 'court power. It becomes me to respect both; but 'it is my duty to follow neither beyond those limits, 'which the circumstances of time, prudence, neces-'sity, and the public safety can alone determine.' So the *French* king, or the grand *Turk*, might be expected to silence the petitions of their subjects, by telling them, that the prince is the only judge of the circumstances, of time, prudence, and necessity.

Some argue, that members of parliament are not obliged to obey instructions of their constituents, because the constituents do not *hear* the *debates*, and therefore cannot be supposed *judges* of the matter to be voted. But the lords may send votes by proxy, tho' they do not *hear* the *debates*. The very truth is, that the members have no opportunity of being at all better judges of most matters to be voted in parliament than men of understanding and reading, who never sat in the house. So that the hearing of the debates gives no such mighty advantage to the members above the constituents. Besides, there is nothing to hinder a member's informing his constituents of the reasons (occurring in the course of the debate) why he intends to vote so, or so. If they allow them, all is well. If he votes *contrary* to their direction, though he *means* their real interest, he only shews himself a wrong-headed agent, who will act according to his own opi-

nion in ſpite of his maſters; and ought, beſides being immediately *turned out* of his office, to be *anſwerable* for all damages.

The excellent *Davenant*, 'tis true, lays no great ſtreſs on reſponſibility in members of parliament. But this is only becauſe in his times they had few examples of parliaments ſo corrupted as to come to have an intereſt different from that of their conſtituents. But in our degenerate times, when we know, that parliaments may be effectually drawn away from conſulting the intereſt of their repreſentatives, it is ſtrange that judge *Blackſtone* (who writes what I have quoted from him above, p. 179) ſhould write as follows:

A member of parliament 'is not bound, like a de-'puty in the United Provinces, to conſult with, or 'take the advice of his conſtituents upon any particu-'lar point, unleſs he himſelf thinks it proper, or pru-'dent ſo to do [a].'

Suppoſe then a majority of the houſe of commons, corrupted by a villainous court, ſhould propoſe to lay an exorbitant tax upon the people. Suppoſe the majority of the conſtituents, and people of *England*, ſhould inſtruct the majority of the members againſt this tax, could the act eſtabliſhing this tax, paſſed in direct *oppoſition* to the mind of the *people* of *England*, (which judge *Blackſtone*'s doctrine allows) be ſaid to be, in any ſenſe, *conſtitutional*, or parliamentary, or in any degree more tolerable to a free people, than if the *king* in *council* had pretended to impoſe the tax? If the votes of the electors be the whole and ſole foundation of the authority, the members have to ſit, and to make laws, can it be conceived, that the electors gave this authority on purpoſe to plunder themſelves?

3 If

[a] *Blackſt.* Comm. 1. 159.

If the members of the houſe of commons are not obliged to regard the inſtructions of their conſtituents; the people of this country chuſe a ſet of deſpots every ſeven years, and are as perfect ſlaves as the *Turks*, excepting the few months of a general election. And it is the trumping up of this doctrine, that gave *Voltaire* the hint to write, that the *Engliſh* are only free once in ſeven years, and then they have not the ſenſe to make the proper uſe of their freedom. *Pudet hæc opprobria, &c.* That a *Frenchman* ſhould have it in his power to turn *Engliſh* liberty thus to ridicule, is mortifying enough; but that an *Engliſh* judge ſhould ſupport his contempt of our liberty, is ſtill more humiliating.

But how could the ſpirit of liberty be expected to breathe in the works of a gentleman, who ſpeaking of the juſt vengeance, which a frantic tyrant, the deſtroyer of liberty, and butcher of his ſubjects, brought upon himſelf, uſes ſuch expreſſions as—'the *infamous* 'and *unparalleled* trial of king *Charles* I.[a]' And again[b], 'the fatal cataſtrophe of that pious and unfortunate 'prince;' and who apologizes for his rapacious proceedings, by telling us, he gave up the right to tonnage and poundage (after keeping it for fifteen years, in ſpite of the continual remonſtrances of parliament) when he found he could keep it no longer; which the judge calls 'giving the nation ample ſatisfaction[c].' Let the reader peruſe the incomparable Mrs. *Macaulay*'s hiſtory of his horrid reign, or indeed any, even that of his profeſſed apologiſt *Clarendon*, and determine whether exempting him from the guilt of tyranny, it is poſſible to fix it on any prince that ever diſgraced a throne,

[a] Comm. 1. 191. [b] Ibid. p. 210. [c] Ibid. 316.

a throne, or filled a kingdom with confuſion and bloodſhed. As a friend to human nature, I cannot help declaring my opinion, that had he been guilty of no crime beſides his offering the *Scotch* army a bribe of four counties, and the plunder of *London*, to invade *England*[a], or had he been guilty of no inſtance of tyranny beſides his fighting and ſlaughtering his ſubjects about his over-ſtrained prerogative——had he had as many heads as the *Lernean hydra*, he ought to have loſt them all. Nor can I, in reading judge *Blackſtone*'s Commentaries, help lamenting, that a writer, whoſe admirable work will be read as long as *England*, its laws, and language remain, ſhould be ſo ſparingly tinctured with the true and generous principles of liberty, on the ſupport and prevalency of which, the glory of the *Britiſh* empire depends.

CHAP. II.

The Denial of Reſponſibility is a novel Doctrine.

THE doctrine ſo much preached of late, by our ſpeech-makers and courtly writers, that members of parliament are not obliged to regard the inſtructions of their conſtituents, is a mere innovation. In former times their receiving wages ſuppoſed an obligation to do the buſineſs of thoſe who paid them, and that they were to do it in the manner their employers choſe it ſhould be done. And their conſtant language in the houſe is, 'We *dare* not grant any 'more ſubſidies. Who *ſent* us hither? Whoſe *buſi*-'*neſs* are we doing? How ſhall we *anſwer* this to the 'people?

[a] See *Ludlow*'s MEM.

'people? What will the *people* of *England* say to 'this? &c.' [a]

'The very nature of the house of commons is 'changed,' (says the duke of *Buckingham* in the house of peers, *A. D.* 1677.) 'They do not now think 'they are an assembly of men, that are to return to 'their own homes, and become *private* men again '(as by the laws of the land and constitution of par-'liaments, they ought to be) but look upon themselves 'as a *standing* senate, as men picked out to be legis-'lators for the rest of their *lives* [b].'

Our ancestors shewed themselves to be *constituents*, by fining, imprisoning, and incapacitating their members, when they acted contrary to their intention. Absentees were fined 20 *l.* a large sum in those days [c]. *Our* members are our *masters*, and insist on a dictatorial independency on us for 7 years, and to give no account of their conduct at the 7 years end, nor have we any power over them, but that of not re-electing them to a new parliament, if they have betrayed us in the last. Nay, the majority of the members *command* their own election, and sit in parliament, as the peers, for life. And yet we are a *free* people. Well may the neighbouring nations admire so *mysterious* a system.

The *abbé Reynel* [d] thinks, the antient custom of the king's giving out, in the summonses to parliament, the business, for which it was to meet, was very useful, because the constituents could then instruct their members how to vote; whereas now, says he, 'the 'people are obliged to give their representatives an '*unlimited* power, which they use as they think 'proper.'

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[a] PARL. HIST. pass. [b] DEB. LORDS, I. 189.
[c] PARL. HIST. I. 396. IX. 298. [d] P. 275.

'proper.' The knights hesitated about granting *Edw.* III. supplies, till they had the consent of their constituents [a]. The barons agreed. There is no mention of the burgesses. They desired, that there might be a new parliament summoned, which might come prepared with *authority* from their *constituents*. The commons did not presume to grant *Edw.* III. any tax, till they *consulted* their *constituents* [b]. The commons, in the time of *Rich.* II. being desired to grant a subsidy, soon after *Tyler*'s insurrection, answered, that by reason of the 'evil heats and rancour of the 'people throughout the whole realm, they neither 'durst, nor would grant any manner of tallage [c].' Here the sense of the responsibility to the people operated properly. *Elsynge* [d] says, 'When the commons 'gave their answer touching the subsidy demanded for 'the wars, they desired leave to return into the *coun-*'*try* to confer with their *neighbours*, promising their 'endeavours for the same at next parliament.'

'Some of our principal law-books tell us, that in 'antient times, this house has often refused to agree 'to propositions made by the court for this reason 'only, That they could not, till they went home, 'and *consulted* with their *constituents*.' The words of Mr. *Plummer*'s speech on the motion for repealing the septennial act, *A. D.* 1734 [e].

'We shall have little thanks for our labour, when 'we go *home*,' said *Wentworth*, in the debate in parliament about a saving clause in the petition of right [f]. In those days, the members considered what thanks they were likely to have from their *constituents*.

In

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[a] *Hume*'s HIST. II. 176.
[b] PARL. HIST. III. 247.
[c] PARL. HIST. I. 390.
[d] P. 72.
[e] DEB. COM. VIII. 175.
[f] PARL. HIST. VIII. 120.

In ours, they consider what thanks they are likely to have from the *treasury*.

It was enacted 1 *Hen.* V. at the petition of the commons, that none, but *residents* in the places they represented, should be chosen knights, citizens or burgesses [a]. They had not then invented the refinements of our times, that the members are representatives for the whole kingdom, and from the moment of their election, are alike independent on their particular constituents, and on the whole body of electors through the kingdom.

H. B. (supposed *Boscawen)* in his speech on rejection of the exclusion bill, says, 'That those who 'sent us here, may see, we have done what we can, 'let us make such votes as may be serviceable to our 'country [b].'

'I have heard,' (says Sir *R. Clayton* in the debate on the exclusion-bill, *A. D.* 1681.) 'that it has been 'an antient usage, that members have *consulted* their 'cities, boroughs, and counties in any thing of weight, 'as well as giving money, before they resolved it. 'The practice was good, and I wish it was continued. 'We can discharge our trust no better than in *observ-* 'ing the *direction* of those who *sent* us hither.' What the people choose is right, because they choose it. He himself had been instructed by the city of *London* to promote the exclusion-bill. So said lord *Russel* [c].

'Our *constituents*,' (says Sir *Edw. Deering* [d], *A. D.* 1641.) 'sent us hither as their *trustees* to make and 'unmake laws. They did not send us to *rule* them 'by arbitrary, disputable, and revocable ordinances' (meaning ordinances of the commons.)

The

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[a] *Elsynge*, 75. [b] Deb. Com. II. 80.
[c] Ibid. II. 115. [d] *Rap.* II. 383.

The ſtyle of former times was, 'The commons 'deſired certain lords to confer with them about their 'charge [a].' In thoſe days the commons thought they had a *charge*, for which they were *anſwerable*.

Our conſtant practice (ſince *A. D.* 1681.) of printing the votes of the houſe of commons, is an acknowledgment of the importance of the people, and the propriety of giving them ſatisfaction. The occaſion of firſt publiſhing the votes was the excluſion-bill [b].

The commons in the time of *Ch.* I. directed the judges to inform the *people* in all the counties they ſhould come into in their circuits, that they (the commons) had aboliſhed, or regulated all the oppreſſive courts, &c. This ſhews, that the commons of thoſe times thought themſelves *reſponſible* [c].

Lord *Digby*, member for *Dorſet*, and Sir *J. Colepepper*, from *Kent*, inform the houſe, *A. D.* 1640, that they had in charge ſeven articles of grievances, to which they add ſome remarks of their own [d]. Do our members make conſcience of carrying to the houſe the complaints of their conſtituents?

The following phraſes in *Cromwel*'s ſummonſes to ſheriffs for parliament elections, ſhew, that reſponſibility was in thoſe days thought the duty of members.—'So that the ſaid knights ſeverally may have 'full and ſufficient *power* for themſelves, and the 'people of that county, to do and conſent unto thoſe 'things which then and there by common conſent of 'the ſaid parliament ſhall be ordered,' &c. [e]

By the ſtrain of the *Remonſtrance* [f] *of the Commons of England to the houſe of commons*, in the republican times,

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[a] *Brady*, III. 356, et paſſ. [b] *Rap.* II. 722.
[c] PARL. HIST. XIV. 474. [d] Ibid. IX. 125.
[e] Ibid. XX. 292. [f] *Sommers*'s TRACTS, VI. 256.

times, we see how this matter appeared to our ancestors of last century.

'We must desire you to call to your remembrance, 'that *we* are still the *body* of the commons of *England*, 'you but the *representatives*; that we have not so *dele-* 'gated the power to you, as to make you the *gover-* 'nors of us and our estates. You are in truth but our 'procurators to speak for us in the great council. That 'of right we ought to have *access* to those, whom we 'have thus chosen, and to the *house*, as there shall be 'cause to impart our *desires* to you, and you *ought not* 'to *refuse* us. That by involving *our* votes in *yours*, 'we had no purpose to make you perpetual *dictators*.'

Members of parliament, says the excellent *Sidney* [a], do not act by a power derived from *kings*, but from those who *choose* them. And those, who give power, do not give an unreserved power. Members of parliament are therefore *accountable* to their *constituents*. It is true, the constituents do not call them to an account, otherwise than by not electing them again, if they have disapproved of their conduct. [This proves in fact a very inadequate punishment, because the right of election comes so *seldom* into the hands of the people, and because (in all, but the present incorrupt times) by far the greatest part of the members have been *imposed* upon their constituents by *power* or by *bribery*.] 'Many members, he says afterwards [b], 'in all ages, and sometimes the whole body of the 'commons, have *refused* to vote, till they *consulted* 'those who *sent* them. The houses have been often 'adjourned, to give them time to do this; and if this 'were done more frequently, or if towns, cities, and 'counties, had on some occasions, given instructions 'to

[a] Disc. Gov. 423. [b] Ibid. 424.

'to their deputies, matters would probably have gone 'better in parliament than they have often done.'

That ſtern old patriot, in his XLIVth ſect.[a] overthrows the doctrine of abſolute power delegated to the members of the houſe of commons by their conſtituents. He conſiders members of parliament as the *ſervants* of the public. 'I take, ſays he, what ſervant I pleaſe, and when I have taken him, I muſt, 'according to this doctrine, ſuffer him to do what '*he* pleaſes. But from whence ſhould this neceſſity 'ariſe? Why may I not take one to be my groom, 'another to be my cook, and keep them both to the 'offices, for which I took them? And if I am free, 'in my private capacity, to regulate my particular 'affairs according to my own diſcretion, and to allot 'to each ſervant his proper work, why have not I, 'with my aſſociates the freemen of *England*, the like 'liberty of directing and *limiting* the powers of the 'ſervants we employ in our public affairs?'

Milton and *Locke* bring very ſubſtantial arguments for calling even *kings*, with all their ſacred majeſty, their *jure divino*, and their impeccability (kings can do no wrong) to account, if they govern in any manner inconſiſtent with the good of the *people*. How much more lords, or *commons*, who have never even challenged to *themſelves* any divine attributes? *Jam.* I. owned himſelf to be the great *ſervant* of the ſtate.

'Who, ſays *Locke*, ſhall be judge, whether his 'truſtee, or his deputy' [are not members of the houſe of commons *truſtees* and *deputies* in the ſtricteſt ſenſe of the word?] 'acts well, and according to 'the truſt repoſed in him, but he, who deputes him,

[a] Disc. Gov. 450.

'and

'and muſt, by having deputed him, have ſtill power 'to diſcard him, when he fails in his truſt? If this 'be reaſon in particular caſes of private men, why 'ſhould it be otherwiſe in caſes of the greateſt moment, 'where the welfare of millions is concerned!'

The qualifications of a member of parliament, according to the author of an excellent tract publiſhed in the beginning of this century, intituled, REASONS FOR ANNUAL PARLIAMENTS, are ſenſe, courage, and integrity. By ſenſe, he means chiefly knowledge of the intereſts of *England* (though claſſical learning and fluency in haranguing are in our times eſſentially neceſſary) commerce, manufactures, liberty, ſecurities and violations of the people, and redreſs; reſources for war and peace, and connections with other ſtates, balance of power, &c. Courage againſt the encroachments of a court, againſt ſolicitations, places, preferments, threats, cabals, &c. Integrity not merely to the whigs, or to the minority, but to the nation. No man ought to be *choſen*, that will not receive *inſtruction*. There are no counties and few towns that do not underſtand the intereſt of their country enough to give general inſtructions. 'You have a *right* to inſtruct your members. It was 'the cuſtom formerly to inſtruct all the members, 'and the nature of deputation ſhews that the cuſ-'tom was well grounded [a].' *N. B.* This was written 1702, when the people were not ſo knowing, and conſequently not ſo well qualified for inſtructing, as now. He inſiſts, that parliament be inſtructed to promote a militia, and to encourage the uſe of firelocks among the populace, to increaſe the navy, and reduce our wars to naval wholly.

[a] REASONS FOR ANNUAL PARL.

'I have met, says queen *Anne*, with so many ex-'pressions of joy and satisfaction in all the counties 'through which I have had occasion to pass, that I 'cannot but look upon them, as true measures of the 'duty and affection of all my subjects[a].' Queen *Anne* thought the sense of the people might be collected *otherwise* than from *parliament*. The commons answered, 'It is great condescension in your majesty to 'take notice in so public a manner of the expressions 'of joy and satisfaction,' &c.[b] Thus we spoil our kings and queens. It was not the *least condescension*. It is the *duty* of every sovereign to pay the most *profound* the most *sacred* attention to the sense of the *people*, for whose benefit *alone* he is endowed with power.

The collectors of the debates of the commons hold it to be scarce a *disputable* point, 'Whether the repre-'sentatives of a people are accountable to their con-'stituents, or whether it ought to be deemed an offence 'to lay the proceedings of our representatives before 'those whom they represent[c].'

'I hope, your indulgence to an old *servant* will 'pardon this omission;' says Mr. *Cooke*, member for *Middlesex*, in his address to the electors, *March* 26, 1768. What sort of a *servant* must he be, who is not *responsible* to his master?

'If parliament' (says Sir *J. Barnard* in the debate on the convention, *A. D.* 1739.) 'should begin to 'refuse giving *satisfaction* to the *people*, the people 'will begin to refuse putting any confidence in par-'liaments; and if this should ever come to be the 'case, they [parliaments] not only may, but they 'ought to be *laid aside*. I do not know that the cha-'racter

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[a] Deb. Com. III. 203.
[b] Ibid. 204. [c] Ibid. I. 1.

'racter of parliament ever received a deeper ſtab than 'it did at the ſeeming approbation of the convention 'in laſt ſeſſions of parliament; and if we ſhould in 'this ſo far ſcreen the contrivers of that convention as 'to refuſe to let the *people* know whether they were 'to blame or not; I ſay, if we ſhould do this now, 'that the chief argument advanced laſt year in favour 'of that convention appears to have been without foun-'dation, it will, I fear, be a mortal blow [a].'

We find in our hiſtories nothing more frequent than inſtructions from conſtituent bodies to their repreſentatives in parliament, which ſhews, that the *people* (whoſe opinion, indeed, in modern times, is little regarded by their governors, whereas it ought to be followed *implicitly)* think they have a *right* to inſtruct, and that their repreſentatives *ought* to regard their inſtructions.

The city of *London* ſent inſtructions to her members, 33 *Ch.* II. *requiring* them to inſiſt on the paſſing of the excluſion-bill. And Sir *Rob. Clayton* gave it as one reaſon in his ſpeech on that occaſion, That his *duty* to his electors *obliged* him to vote for the bill [b].

'In many places, it was given, as an *inſtruction* to 'members [at the election in 1681] to ſtick to the 'excluſion [c].' And ſee the judicious inſtructions by the borough of *Southwark*, *A. D.* 1701, on the treachery of the *French* king [d]. Many places inſtructed their members, *A. D.* 1714, particularly *London*. 'We 'deſire and *expect* that you will enquire by whoſe 'counſel, &c. the ſeparate peace was made [e].'

[a] Deb. Com. xi. 375. [b] Ibid. xiv. 7.
[c] *Burn.* Hist. own Times, ii. 136.
[d] *Tind.* Contin. i. 497. [e] Ibid. i. 415.

See the very judicious inſtructions given by the citizens of *London* to their members, *A. D.* 1741, againſt ſtanding armies; extenſion of exciſe laws; ſeptennial parliaments; placemen in the houſe of commons; recommending ſtrict enquiry into the expenditure of public monies; cautioning againſt a diſhonourable peace with *Spain*, &c. The preamble runs as follows; 'We the citizens of *London* who have 'cheerfully elected you to *ſerve us* in parliament, and 'thereby committed to your *truſt* the ſafety, liberty, 'property, and privileges of ourſelves and poſterity, 'think it our duty, as it is our *undoubted right*, to 'acquaint you with what we deſire and *expect* from 'you in *diſcharge* of the great *truſt* we repoſe in you, 'and what we take to be your *duty* as our repreſenta-'tives,' &c. [a]

There were ſent up inſtructions from all parts, in the ſame year, for an effectual place and penſion-bill, and for ſhort parliaments, and againſt a ſtanding army, and all needleſs expences, by which taxes were increaſed [b].

In the year 1742, the lord mayor and corporation of *London inſtructed* their members [c] (on occaſion of a diſappointment from ſome pretended patriots) requiring their faithful attention to the proſecution of whatever might give hopes of redreſs. Theſe inſtructions were followed by others to the ſame purpoſe from *Weſtminſter*, *Briſtol*, *Edinburgh*, *York*, *Worceſter*, and other places.

The city of *London inſtructed* their repreſentatives, *A. D.* 1769, to endeavour to prevent all attempts to the

[a] Deb. Com. xiii. 15.
[b] See the hiſtories of the times.
[c] Deb. Com. xiv. 2.

the disadvantage of tryal by jury; to watch over the observance of the *Habeas Corpus* act; the application of the public money to bribery or electioneering; to oppose the dangerous doctrine of constructive treasons, the garbling of petitions, and turning them into accusations; the use of military force on pretence of keeping the peace; to oppose the indiscriminate demands of ministers on pretence of paying civil list debts; to promote an effectual place-bill; to propose laws for preventing the influence of peers in elections, and for subjecting the candidate, as well as the elector, to the bribery-oath; and to endeavour to obtain short parliaments and election by ballot, &c. [a]

'The *instructions* of your *constituents*' (says a sensible writer [b]) 'you should always be ready to *obey*. But 'you have inverted the maxim of the Gospel, and 'made the *servants* greater than their masters. You, 'who are only *deputies* and *factors*, have usurped a 'power not only superior to your *creators*, but 'destructive of the very rights, by which they exist 'as freemen, and by which you yourselves exist as 'representatives. In the gulf of your privilege you 'have swallowed up the birthright of the people, 'who are ultimately paramount to all the three 'branches of the legislature.' [Of as much more consequence, he might have said, (allowing for difference in property) as 12 millions are more in number than 800 individuals.] 'Had you been as tenacious 'of your *duty*, as of your *interest*, you would have first 'provided for the safety of the people's rights, and 'then entered upon a discussion of your own pri-'vilege.'

[a] Mag. of 1769.

[b] Lond. Mag. *July*, 1771, p. 334.

Mr. *Beckford*, late lord mayor of *London*, seems to have had a proper notion of instructions, *viz.* That they are to be followed *implicitly*, after the member has respectfully given his constituents his opinion of them. 'Far be it from me, says he, to oppose my 'judgment to that of 6000 of my fellow citizens [a].'

'I ever thought myself happy' (says Sir *Ellis Cunliffe*, in his letter to the mayor of *Liverpool*) 'in 'obeying *all* the *commands* of my *constituents*, whether 'of a public or private nature;' [desiring, on account of illness, to be excused serving any longer in parliament [b].]

'I cannot think it consistent with the honour and 'dignity of this house,' (says Mr. *Plumer* in the debate on the *Spanish* war, *A. D.* 1738.) 'to give people without doors any shadow of reason for suspecting, that 'the resolutions of this house are dictated by our 'ministers of state; for, in all our resolutions, we 'ought to speak our own sense, the sense of those we 'represent, the sense of the *nation*, and not the sense 'of *ministers* [c].'

When king *William*, *A. D.* 1694, refused the royal assent to the famous bill for free and impartial proceedings in parliament, the commons remonstrated, and the committee proposed, among other particulars, to address the following to his majesty: 'We beg, Sir, 'you will be pleased to consider us as ANSWERABLE 'TO THOSE WE REPRESENT. And it is from your 'goodness we must expect arguments to soften to *them* 'in some measure the necessary hardships they are 'forced to undergo in this present conjuncture [d].'

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[a] Lond. Mag. 1769. p. 96.
[b] Ibid. 1767. p. 308.
[c] Ded. Com. x. 234. [d] Ibid. ii. 432.

CHAP. III.

Arguments for Reſponſibility of Members to the People.

IN the debate upon the motion for repealing the ſeptennial act, *A. D.* 1734, Sir *W. Wyndham* oppoſed Sir *W. Younge*, who had endeavoured to depreciate the neceſſity of reſponſibility.

'The gentleman [meaning Sir *William*] ſaid, that 'we were to have *no dependence* upon our *conſtituents*; 'he went further; he ſaid it was a dangerous depen- 'dance; nay, he went further ſtill, and ſaid it was '*more* dangerous than a dependance on the *crown*. 'This my worthy friend took notice of, and, with 'his uſual modeſty, called it a new doctrine. It is, 'Sir, not only a new doctrine, but is the moſt mon- 'ſtrous, the moſt ſlaviſh doctrine was ever heard; and 'ſuch a doctrine as I hope no man will ever dare to 'ſupport within theſe walls. I am perſuaded, Sir, 'the learned gentleman did not mean what the words 'he happened to make uſe of may ſeem to import; for 'though the people of a county, city, or borough, 'may be miſled, and may be induced to give inſtruc- 'tions which are contrary to the true intereſt of their 'country, yet I hope he will allow, that in times 'paſt the *crown* has been *oftener* miſled; and conſe- 'quently we muſt conclude that it is more apt to be 'miſled in time to come than we can ſuppoſe the *peo- 'ple* to be [a].'

Though it ſhould be affirmed, that a member of parliament is not reſponſible to his *own* conſtituents, yet it would be ſtrange to aſſert, that *all* the members may neglect the remonſtrance of *all* the conſtituents in

[a] DEB. COM. VIII. 189.

England to the ſame purpoſe. In that caſe, the members could not be ſaid to be repreſentatives of the people of *England*, but muſt be conſidered as a ſet of abſolute deſpots, acting for their own private intereſt. But this is inconſiſtent with the very idea of *election*, or of *delegated* power. And if *one* member is not reſponſible, neither is *another*. If *one* is reſponſible, *all* are. If revolution-principles are juſtifiable, that is, if the *people* may take the *power* out of the hands of a *king*, or government, when they abuſe it, it follows, that the king and government are in all caſes *reſponſible* to the *people*, and that a majority of the people can at any time change the government. This is not denying the *danger* and *trouble* of revolutions, nor the difficulty of determining what is the ſenſe of the majority of the people. But if members of parliament are not obliged to regard inſtructions from their conſtituents, what is to become of a poor town, or country-place, unable to bear a tax no way grievous to other wealthier places? The houſe receives no *petitions* upon *money-bills*; becauſe every place either ſends a member or members of its own, or is repreſented by the county-members. But, if the houſe is neither to be informed by *petition* nor by *inſtruction*, how is it to be informed? This leaves an open door for the moſt cruel oppreſſion.

Lord *Coke* ſays, 'It is the cuſtom of parliament 'when any new device is moved for in parliament on 'the king's behalf for his aid, or the like,' [as a little demand of half a million to pay civil-liſt debts] 'that 'the commons may anſwer, They *dare* not agree to it 'without conference with their *countries*.' He gives an inſtance of this 9 *Edw.* III. which is applied by Mr. *Pulteney* in the debate on the exciſe-ſcheme, *A. D.* 1733. And Mr. *Pulteney* adds, that the abhorrence ſhewn by the people againſt that ſcheme, was a ſufficient reaſon for rejecting it.

So

So far from queſtioning the reſponſibility of members, I ſhould think it reaſonable and proper to demand an *oath* of the members at their taking their ſeats, beſides the uſual oaths; I mean an oath of fidelity to their conſtituents, by which they ſhould declare before God and men, that they come into the houſe by the free and uninfluenced choice of a true majority of thoſe, who by law have the right of choice; and that they will, in all their ſpeeches and votes, faithfully and zealouſly purſue their country's good, in ſpite of all temptation to the contrary. The moſt incorrupt parliament ought not to refuſe giving their conſtituents all the ſecurity in their power. An honeſt man does not refuſe to give his bond. The moſt virtuous are the moſt deſirous of avoiding ſuſpicion, and the moſt anxious about ſtanding in a clear light before the world.

No ſingle man, or ſet of men, ought to be truſted with power without account to the people, the original proprietors of power. 'There is not upon earth' (ſays the excellent *Gordon*) 'a nation, which having 'had unaccountable magiſtrates, has not felt them to 'be crying and conſuming miſchiefs. In truth, where 'they are moſt limited, it has been often as much as 'a whole people could do to reſtrain them to their 'truſt, and to keep them from violence; and ſuch fre-'quently has been their propenſity to be lawleſs, that 'nothing but a violent death could cure them of their 'violence. This evil has its root in human nature; 'men will never think they have enough, whilſt they 'can take more; nor be content with a part, when 'they can ſeize the whole [a].'

The hiſtory of mankind for two or three thouſand years backwards (which is as far backwards as hiſtory goes) is a ſermon upon this text, Nothing more *dan-*

gerous

[a] CATO'S LETT. III. 78.

gerous than *power* without *responsibility*. But the *species* resembles an *individual*. As the *father*'s experience does not make the *son* wiser, so neither does the history of the sufferings of *former* generations teach the *succeeding* to secure themselves against the mischiefs of unaccountable power.

'When we elect persons to *represent* us in parliament (says a judicious writer [a]) we must not be supposed to depart from the smallest right which we have *deposited* with them. We make a *lodgment*, not a *gift*; we *entrust*, but *part* with nothing. And, were it possible, that they should attempt to destroy that constitution which we had appointed them to maintain, they can no more be held in the rank of representatives than a factor, turned *pirate*, can continue to be called the factor of those merchants whose goods he had plundered, and whose confidence he had betrayed. The men, whom we thus depute to parliament, are not the bare likeness or reflexion of us their constituents; they actually contain our *powers* and *privileges*, and are, as it were, the very persons of the people they represent. We are the parliament in them; we speak and act by them. We have, therefore, a *right* to *know* what they are *saying* and *doing*. And should they contradict our sense, or swerve from our interests, we have a *right* to remonstrate, inform, and direct them. By which means, we become the regulators of our *own* conduct, and the institutors of our *own* laws, and nothing material can be done but by *our* authority and consent.'

The tyranny of the *East India* governors [b], who, on account of the distance of their situation from the seat of government, think themselves in a manner out of its

[a] Lond. Mag. *Jan.* 1760, p. 33.

[b] Mod. Univ. Hist. x. 144.

its reach; ſhews how dangerous it is to truſt power without reſponſibility.

A few years ago, the wiſe juſtices of *Weſtminſter* gave for one night a diſcretionary power to the conſtables to apprehend and ſecure all ſtreet-walking women. What was the conſequence? Thoſe imperious brutes took up a number of induſtrious waſher-women going to their buſineſs before day-light, crammed them into a place of confinement like the black hole at *Calcutta*, in which one, or more, were fairly ſuffocated, and found dead next morning.

See a *Britiſh* houſe of commons *plundering* the people of above half a million to pay court-debts, *A. D.* 1773, at the ſame time examining with great ſeverity into the *plunderings* committed in *Aſia* by the *Eaſt India* company's ſervants; the accuſers and the accuſed alike guilty, becauſe alike *ſecure*, as they imagined, from *queſtion*. Thus the poet of nature repreſents lady *Macbeth* encouraging her huſband to murder his ſovereign under his own roof, by the conſideration, that there was no body who dared to call them to *account*.

In other countries, we find a connexion held between repreſentation and reſponſibility.

The tribunes of the people, in the times of the commonwealth of *Rome*, had no will of their own. They were the mere ſpeaking-trumpet of the people. And had the people been regularly formed into diſtricts, in ſuch manner as to prevent the corrupt populace of that great city from carrying every point by mobbing, all would have been well.

The deputies from the *Swiſs* cantons to the general diet, receive inſtructions from their conſtituents, and think themſelves obliged to conform to them [a].

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[a] *Simleri*, HELV. DESCR. p. 276—310.

The procuradores, or members for *Caſtile*, in the corte held at *Madrid*, in the beginning of *Charles* V. excuſed themſelves from granting the ſupplies he deſired, becauſe they had received no *orders* from their *conſtituents*; and afterwards receiving expreſs orders not to do it, they gave *Charles* a flat *denial*.

The ſame was the cuſtom in *France*, before that country was enſlaved. The general aſſemblies being laid aſide, the ſame cuſtom is ſtill [latter end of the 17th century] uſed in the leſſer aſſemblies of the ſtates in *Languedoc* and *Bretagne*. The ſame is obſerved by the deputies of the cities of *Germany* to the diets [a].

The deputies or members of the parliament of *Paris*, when all *France* was like to be ruined by the confuſions in the minority of *Lewis* XIV. were *afraid* to ſign a compromiſe for reſtoring the public quiet, leſt their *conſtituents* ſhould not *approve* of the terms [b]. Our deputies are not *afraid* to approve the meaſures of the court, though they know them to be the *execration* of their *conſtituents*.

Before the people of *Ireland* obtained a limitation of the time of their parliaments, they inſtructed their members, and many places went ſo far as to demand of them, before election, an oath, that they would vote for the meaſure [c].

The deputies ſent by each of the United Provinces to the States General are reſponſible only to the reſpective provinces which ſend them, and not to the States General [d]. In *England* our members do not hold themſelves

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[a] State Tracts, Time of K. *Will.* III. 282.

[b] Mod. Univ. Hist. xxv. 40.

[c] Lond. Mag. 1768, p. 131.

[d] *Janiçon*, I. 78.

themſelves reſponſible to their *conſtituents*, but to the *houſe*, and the houſe to the *prime miniſter*. Thus the people, who ought to be *all*, are *nothing*. The ſagacious *Dutch* have guarded againſt the danger of lodging too irreſponſible a power in the hands of their ſupreme aſſembly, or giving their deputies leave to ſell them. The States General cannot, without the unanimous conſent of all the provinces (who are too numerous to be bribed) make peace, nor war, nor raiſe troops, nor make laws affecting the whole republic. Nor can they repeal an antient ſtatute or regulation, nor elect a ſtadtholder, otherwiſe than at the riſque of their heads, which they accordingly hazarded for the public good, *A. D.* 1668, when, to check the growing power of *Lewis* XIV. at the inſtance of Sir *W. Temple*, they ſigned the triple alliance, and elected the prince of *Orange* ſtadtholder, through fear of danger from ſlow counſels [a].

The people of *New England* keep up the right of inſtructing their members [b].

CHAP. IV.

Unwarrantable Privileges aſſumed by the Houſe of Commons, in conſequence of inadequate Repreſentation, and too long Parliaments.

IN conſequence of the inadequate ſtate of parliamentary repreſentation, the houſe of commons has aſſumed ſuch a ſuperiority over its conſtituents (and indeed, the burgeſſes of the meaner boroughs, who, as has been ſeen, have the credit of electing the majority

[a] ETAT PRES. par *Janiçon*, i. 85. *Rap.* II. 650.
[b] LOND. CHRON. N°. 1505.

majority of the houſe, are a ſet of very contemptible people, ſcarce capable of electing, or of inſtructing) that, deſpiſing the thought of being anſwerable to them, they arrogate certain privileges *never granted* by the *people*, and aſſume the power of protecting, excluding, expelling their own members, of deciding their own cauſes, proſecuting, arreſting, impriſoning, reprimanding, and fining their employers at their arbitrary pleaſure, and according to I know not what *lex et conſuetudo parliamenti*, which tramples on *Magna Charta*, and the Bill of Rights.

Sir *William Jones* indeed argues ſtrongly, that the law of parliament is the law of the land. But in the proſecution of *Clarendon* [a], it being uncertain at firſt, which way they ſhould proceed, precedents were ſearched, and Sir *Thomas Littleton* reported, that the committee had found 'various proceedings in different 'parliaments.' What is then the *conſuetudo parliamenti?*

Privilege and pre-eminence of every kind is invidious, and odious to the people. Whoever wanted to excite the *Roman* people againſt the ſenate, never failed to mention the law forbidding marriage between the patricians and plebeians. Even where privilege is beſtowed in conſequence of *merit*, it is but awkwardly brooked. 'Why muſt *Ariſtides* be honoured with 'the title of The Juſt, more than others?' ſaid the *Athenian*, and voted his baniſhment on that account [b].

All privilege is a nuiſance, whoſe extent is *unknown*; becauſe the ſubject is thereby in danger of falling into *undeſigned* offence. But it has always been made a point to keep

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[a] Deb. Com. i. 104.

[b] *Plut.* in Arist. *Corn. Nep.* in *eod.*

keep the extent of parliamentary privilege, prerogative royal, miniſterial power, &c. profound ſecrets. Theſe are the *arcana imperii*, in *Engliſh*, tricks of ſtate. But does the concealment of what may be *dangerous* to the people, ſhew, in government, a *paternal* tenderneſs for the people? And is that government any thing better than a tyranny, which ſhews a want of paternal tenderneſs for the people? The truth is, our miniſters chuſe to ſecure a *ſmall* convenience to themſelves (the convenience of keeping the people in fear of them) tho' at the riſque of *great* loſs to the ſubjects.

'I would wiſh (ſays *James* I. in his ſpeech, *March*, '1609 [a]) that the law were written in our vulgar 'tongue.—Every ſubject ought to underſtand the law, [and, among other laws, the parliament law] 'under 'which he lives—that the excuſe of ignorance may be 'taken away from thoſe, who do not conform them-'ſelves to them.'

'In contending for the privilege of parliament, ſays 'a writer on general warrants [b], I deſire to be under-'ſtood to mean, not that inſolent abuſe of privilege, 'which has made its name odious, and its exiſtence 'intolerable; by which members of parliament have 'uſurped a power of making *themſelves* judges in their '*own* cauſe, and avengers of their own quarrels; by 'which the courſe of law and *juſtice* has been *ob-'ſtructed*, juſt *debts with-held* from many an unhappy 'creditor, and property detained from its true inheri-'tor. I beg leave to mark out a diſtinction between the '*privilege* and the *prerogative* of parliament, defining 'the one to be the exerciſe of a tyrannous and *oppreſſive* 'juriſdiction over the reſt of the ſubjects; the other to 'conſiſt

[a] HARL. MISCEL. I. 12.

[b] *Alm.* DEB. COM. VI. 288.

'consist in that *protection* which secures the representatives of the people from the power of the *crown*. 'On keeping this privilege sacred and inviolate de- 'pends the freedom of parliament, and of consequence 'the being of our constitution.'

The only use of parliamentary privilege from arrest, is to prevent a *tyrant*, or a corrupt *court*, from imprisoning, on pretence of debt, or distressing, such members as opposed their measures. But this might have been sufficiently provided against, without carrying privilege to such an unreasonable length, that there should be *no time* of the year, when a member, and his dependents, should be obliged to pay their debts.

It is well observed by an eminent lawyer in his speech in parliament [a], That the privileges of the members of the house of commons might be said to be those of the people, if the members of the house of commons had no *interest* different from that of the people, which he affirms, is the very contrary of the truth.

Mark, how sublime the style of the following.

'Resolved (by the commons, *A. D.* 1699) That to 'assert, that the house of commons have no power of 'commitment, but of their own members, tends to 'the subversion of the constitution of the house of 'commons.'

We will allow the house of commons to have much *higher* powers. But let them be powers *fit* for a house of commons to have. Every puny justice has power of commitment. Again,

'Resolved, That to print or publish any books, or 'libels, reflecting upon the proceedings of the house 'of

[a] Lond. Mag. *June*, 1771, p. 288.

'of commons, or of any member thereof, for, or 'relating to his ſervice therein, is a high violation 'of the rights and privileges of the houſe of com-'mons.'

This reſolution puts an end to all *enquiry* into the behaviour of our *truſtees*, and makes it impoſſible for us to call them to *account*, or to know, whether it will be ſafe to *re-elect* them or not. There is ſomewhat particularly groſs and mean-ſpirited in ſtopping enquiry. It always ſuggeſts the idea of ſomewhat, which will not bear enquiring into. "I care not, ſays the honeſt old philoſopher, if there were a window in my breaſt, that any body might look in and ſee what is paſſing in my thoughts." Felony, breach of the peace, and treaſon, deprive a member of his privilege [a]. And the commons lately gave up privilege in caſe of ſeditious libels. Thus we ſee them *magnifying* privilege againſt the *people*, and *lowering* it in ſervile complaiſance to the *court*; directly contrary to what the ſpirit of liberty would dictate.

Sir *Charles Sedley* obſerves, in his ſpeech, *A. D.* 1699, that when complaint was made, that great part of the revenue remained unaccounted for, in the hands of the receivers, a member anſwered, It could not be helped; for that thoſe receivers were *members*, and ſtood upon their *privilege* [b]. Nor is it to be wondered that they ſhould; ſince every 100,000 *l.* of the publick money kept back, yields 4000 *l.* a year intereſt; and a great officer of the ſtate, whoſe department lies among the finances, may keep in his own hands many ſuch ſums for many years. But this is *pocketing* what

[a] *Blackſt.* Comm. i. 166.
[b] Deb. Com. iii. 195.

belongs to the *public*, and is as honeſt as it would be to ſteal ſixpence a-piece out of 100,000 *pockets*.

There ſeems to be a ſmall inconſiſtency between the *qualification* act and the *privilege* of members againſt arreſt for debt. The former ſays, No man ſhall be member for a county, if he has not 600 *l.* a year clear, nor for a city or borough, unleſs he has 300 *l.* But the privilege ſuppoſes, that a member may be *unable* to pay his debts; and, in that caſe, provides againſt his being arreſted, to the great inconvenience and loſs of thoſe, who have truſted members. Now, if it be *improper* that a *needy* man be a *member* of the houſe of commons, why muſt this needy man be *privileged* againſt arreſts? Why ſhould not the bailiffs have him, and another be elected in his room? If it be ſaid, the arreſt may be litigious; it may be the contrivance of a villainous miniſter, to put a friend to liberty out of the way on a critical occaſion; the anſwer is ſhort. Let the houſe of commons bail the arreſted member, if they underſtand this to be the caſe; if not, let him be given up to his creditors. This would equally ſecure the member againſt miniſterial tricks, and the creditor againſt abuſe of privilege. It is criminal in any man to contract debts, which it is improbable he ſhould ever be able to pay. It is criminal to protect ſuch a debtor. Which doctrine, by the way, condemns all our too daring merchants, bankers, *&c.* who take whatever credit they can have in conſequence of the too eaſy credulity of mankind, and extend their adventures, by which only themſelves can be gainers, at the peril of hundreds, who may be undone by them. But a member of parliament, a legiſlator, ought not to be ſuppoſed capable of ever coming into ſuch circumſtances, as to be liable to arreſt for a juſt debt; or if he does, he ought to be

left

left to the ſame law with other bankrupts. Where then is the honeſt uſe of this parliamentary ſcreen? For it is to be obſerved, that privilege ſcreens a member 40 days before and 40 days after the ſitting of the houſe, againſt arreſt for the moſt *juſt* debt, and for all ſorts of offences, that do not come up to felony, breach of the peace, treaſon, or ſeditious libels.

A. D. 1541, the commons begun privileging from arreſt for debt by writ from the ſpeaker. In former times, it was done by writ from the chancellor [a].

It is plain, that all the privileges aſſumed by members of parliament are not neceſſary for the *public ſervice*, whatever they may be for *their pride*; for they have often been diſpenſed with. An act was made, *A. D.* 1641, for laying down the privileges of parliament for a ſeſſion, becauſe the citizens complained that they loſt money by them [b].

The freemen and citizens of *London*, in their petition to parliament, *A. D.* 1646, complain of many members, who ſtand upon privilege, and refuſe to pay their debts [c].

An order was made, *A. D.* 1647, that no perſons under authority of parliament, but the members, ſhall have protection or immunity by reaſon of privilege, nor any member be free from action or proſecution, but obliged to *anſwer*. Only their *perſons* not liable to arreſt [d].

In the year 1647, the commons ordered, that from *January* 20th of that year, none but members ſhould, during that ſeſſion, have protection by privilege of the houſe, in any ſuit; and that the eſtates of members be

[a] *Hume's* Hist. Tud. ii. 249.

[b] Parl. Hist. x. 50.

[c] Ibid. xv. 233.

[d] Ibid. xvi. 486.

liable for debt, &c. And the same year, the peers gave up those lords, who by reason of their offences, had not liberty to sit in parliament, to be prosecuted by suits of law, and likewise their attendants, as if there were no parliament [a].

Privilege of members, as to person and estate, was taken off, *A. D.* 1649 [b].

The lord mayor, aldermen, and commons, *A. D.* 1646, complained to parliament, that many were sufferers by protection of privilege; they complained of jealousies fomented between parliament and city, and their mayor suspended; desire that the debts due by parliament to the city may be put in course of payment [c]. The Lords answer with great acknowledgments of the important services of the city, which they promise never to forget; and to do every thing in their power for redressing the complaints of the citizens, and particularly of the lord mayor, of whom they speak very highly. Commons give it a very cold reception. *Ludlow*, in his MEMOIRS, calls the petition an insolent address, and the commons' answer, A declaration that they would preserve their authority and not be dictated to.

A standing order of the house was published, *A. D.* 1739, against members giving protections [d].

The commons, *A. D.* 1678, put a stop to all protections granted by members to any but menial servants actually in service. A great grievance by abuse of privilege [e].

A good act was made, *A. D.* 1701, for explaining parliamentary privilege, which was a great nuisance, obstruct-

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[a] *Whitelock*'s MEM. 287, 290.
[b] PARL. HIST. XIX. 98.
[c] Ibid. XIV. 421.
[d] DEB. COM. XI. 321.
[e] Ibid. I. 276.

obſtructing the courſe of juſtice, and preventing the demand of juſt debts from year to year; for the ſeſſions of parliament being prorogued from period to period, the whole year round was a time of privilege. So natural is it to overſtretch power in our own favour. *Dodderidge* traces privilege for the ſervants of members back to 8 *Hen.* VI. [a]

A. D. 1707, *Aſgill*, a member, was in debt. His creditors petitioned the houſe, that he may not be defended by privilege from paying a juſt debt. It happened that *Aſgill* had written a ſilly pamphlet about the poſſibility of going to heaven without dying. The houſe took the opportunity of this pamphlet to expel him, on the ſtatute of blaſphemy, I ſuppoſe, without either violating privilege, or ſcreening a bad man from paying his juſt debts [b]. Why ſhould not all privileges both of lords and commons, be put on this footing, that no member of either houſe be liable to arreſt, but with conſent of the houſe, and the houſe always to conſent, unleſs when the cauſe is litigious or unjuſt?

When it was moved, that letters of members go free during the ſitting of the houſe, Sir *Heneage Finch* ſaid it was a beggarly propoſal. The lords left out the proviſion, and the commons agreed [c].

A. D. 1690, Mr. *Montague* was charged in execution for 5073 *l.* He was at the ſame time elected member. The houſe of commons was puzzled, whether he could be received. But they found precedents in the preceeding parliament, and that lord *Coke*, INST. 3. affirms, that all perſons are eligible, except aliens, minors, and perſons attainted of treaſon or

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[a] PREF. [b] DEB. COM. IV. 73.
[c] PARL. HIST. XXIII. 56, 63.

felony [a]. It is, however, to be remembered, that noblemen, clergymen, women, lunatics, commiſſioners of cuſtoms, and ſeveral other placemen, are not eligible; and that a member for a county muſt have a qualification of 600 *l.* a year, and for a city or borough 300 *l.* a year. But the *Scotch*, and univerſities are exempted from qualifications.

Sir *Thomas Shirley*, a member, was impriſoned for debt in the time of *Jam.* I. The ſerjeant at arms was ſent to the Fleet by the houſe to demand him. The warden refuſes. The commons ſend for the warden, and commit him to the Tower. A diſpute aroſe, whether the houſe's impriſoning the warden, could indemnify him, in caſe of his priſoner's eſcaping, during his abſence. Some propoſed to ſend, and break open the priſon, and bring away Sir *Thomas* by force. [A whimſical application, ſurely, of *legiſlative* power.] The ſpeaker overruled this motion; telling the houſe, that it would be actionable. After much debating, they ſent for the warden again, and put him into the dungeon called Little eaſe. The warden offers to releaſe Sir *Thomas* if two members will be ſecurity for the debt. The houſe refuſes. At laſt they privately deſire the king to order the warden, on his allegiance, to releaſe Sir *Thomas* [b].

Mr. *Ferrers*, member for *Plymouth*, was arreſted for debt, *A. D.* 1542, going to parliament, and carried to the Counter. The ſerjeant of the commons was ſent to the Counter to fetch him. The people at the Counter reſiſted the ſerjeant, who complained to the

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[a] *Bohun's* RIGHT OF ELECT. 276.

[b] PARL. HIST. V. 113.

the ſheriffs. They took part with their officers. The ſerjeant returned to the houſe, and informed them. The commons reſent highly. They roſe, and went to the houſe of lords, to whom they related the affair. The lords and judges declared the contempt very atrocious, and referred the puniſhment to the commons, who returned to their houſe, and ſent their ſerjeant to the ſheriffs with his mace, without a writ, though the chancellor offered them one. In the mean while the ſheriffs reſolved to change their ſcheme, and deliver up Mr. *Ferrers* to the ſerjeant. The commons ordered the ſheriffs to attend them, with the clerks and officers of the Counter. They likewiſe ordered their ſerjeant to take into cuſtody *White*, the perſon who had arreſted him. The ſheriffs and *White* were ſent to the Tower, the clerk of the Counter to a place, in the ſame priſon, called Little eaſe, and the officer, who arreſted Mr. *Ferrers*, and four others, to Newgate, who were not ſet at liberty, till the lord mayor petitioned for them [a]. Was this conteſt ſuitable to the *dignity* of the houſe of commons? A battle between the gaolers of the Counter, and the repreſentatives (ſuch they ought to be) of the *greateſt* people in *Europe!*

It is notorious, that from time immemorial, the houſe of commons has aſſumed to itſelf a power of trying, condemning, and puniſhing, in caſes, where *itſelf* is the offended party, and often in a very arbitrary manner, and without due regard to the ſtanding laws of the land. An aſſembly of repreſentatives elected in an *adequate* manner, and holding their power a *competent* time, and upon the foundation of *reſponſibility* to conſtituents, would not have fallen into this error.

[a] *Petyt*'s MISCEL. PARL. I.

The MIRROR OF JUSTICE says, 'Parliaments 'were ordered to hear and determine all com-'plaints of wrongful acts done by the king, queen, 'or their children, and some others, against whom 'common right cannot be had elsewhere [a].' Therefore offending subjects are to be tried at *law*, and not by *parliament*. It is not by a power of apprehending and imprisoning, that the dignity of parliament is to be kept up, any more than the credit of religion by fire and faggot. On the contrary, these violences necessarily bring both into contempt, because they suppose, that they are not sufficient for their own support without these unnatural helps. Let your religion be rational, and your parliament incorrupt, and they will defy abuse. Who ever heard of the venerable court of *Areopagus*, or the more venerable one of the *Amphictyons*, sending out their serjeant at arms to apprehend the writers of pamphlets against them?

It seems strange, that a part of the *legislature* should shew so little *respect* for the *laws*, as to set up its own *unknown* and *hasty* resolutions as a better rule of conduct for judges, &c. than the *known solemn* acts of the *whole* parliament. Yet we often see them doing so. Sir *Francis Pemberton*, judge of the court of king's bench, had over-ruled a plea of an order of the house of commons, *A. D.* 1689, for arresting certain persons, and defended his proceeding; for that it was according to *law* [b]. Resolved, That the judgments given by *Pemberton*, *Jones*, &c. are illegal, and a violation of the rights of parliament, and that a bill be brought in to reverse those judgments. Another case of the same kind relating to a judgment of the court of king's bench on information against *Williams*, speaker of the house

[a] DEB. LORDS, 1. 296. [b] DEB. COM. II. 339.

houſe of commons, for matters done by order of the houſe, was reſolved illegal, and againſt the freedom of parliament, and that a bill be brought in to reverſe it [a]. *Pemberton* and *Jones* were examined again, and put in cuſtody of the ſerjeant at arms [b]. Judge *Berkely* was taken off of his bench in *Weſtminſter-Hall*, *A. D.* 1640, by the uſher of the black rod, to the great terror of his brethren [c]. In thoſe days the houſe of commons was *venerable*, as being known to act according to the general ſenſe of the *people*. Therefore the people did not grudge them any degree of *power*. In corrupt times, when the people ſee their pretended repreſentatives acting conſtantly in obedience to a deſigning *court*; they wiſh their power *retrenched*, though the *retrenching* of the *power* of the houſe of commons is not the proper means for redreſſing the evil; but cutting off the *communication* between it and the *court*; of which more in the ſequel.

The following inſtances ſhew what power has been formerly allowed our parliaments, when the people had a confidence in them. *A. D.* 1680, *Scroggs* was impeached of treaſon. Great queſtion was made, whether he could be accuſed of treaſon, or of high crimes and miſdemeanours only. It was argued, that parliament may puniſh as treaſon any crime tending to the deſtruction of the nation, though *not declared* to be treaſon by 25 *Edw.* III. *Treſilian* and his accomplices were condemned in parliament for crimes not before declared felony, by any promulgated law. *Empſon* and *Dudley* the ſame. *Finch* and *Berkley* were condemned by parliament of treaſon for the ſame crimes as thoſe charged on *Scroggs*, &c. The judges in

[a] Deb. Com. ii. 339, 341. [b] Ibid. p. 345.
[c] Parl. Hist. ix. 94.

in *Richard* II.'s time were condemned for giving extra-judicial opinions. A knight of *Cheſhire* was condemned for conſpiring the death of the king's uncle. An earl of *Northumberland* for giving liveries to ſo many that they were thought a little army. None of theſe were declared felony by any previous ſtatute [a].

The commons, however, made a bad uſe of the people's confidence, and began to uſe their power in a tyrannical and oppreſſive manner. Accordingly the judicious writer of a piece, entituled, *The Subjects Right of Petitioning* [b], (which was written on occaſion of the commons impriſoning the *Kentiſh* petitioners, *A. D.* 1701) obſerves, that 'great numbers of other ſubjects 'had been impriſoned by them the ſame ſeſſion, to the 'horror and amazement of all thoſe, who knew the 'rights and liberties of the people of *England*; and 'therefore could not but be concerned to ſee them ſo 'miſerably infringed; and that it was neceſſary, in 'order to prevent ſuch acts of power for the future, 'to ſhew, that they were mere acts of *power*, and 'manifeſt *incroachments* on the rights and liberties of 'the *people*.' He ſhews, that the common law was formerly ſo tender of the ſubject's liberty, that it ſuffered none to be impriſoned, but for violence and breach of the peace. The lords brought in the cuſtom of impriſoning 35 *Hen.* III. by the STAT. MARLBR. for obliging bailiffs, or collectors of rents, to make up their accounts. Afterwards, 23 *Edw.* III. it was enacted, that debtors ſhould be compelled by impriſonment to pay their debts. But if a debtor died in priſon, the debt was paid. And by 1 *Edw.* II. no one was to be puniſhed for breaking priſon, 'foraſ-'much

[a] DEB. COM. II. 59.

[b] STATE TRACTS, time of K. *William*, III. 263.

'much as one is warranted to do it by the law of 'nature,' says the MIRROR. By *Magna Charta*, 'no 'free man shall be taken, or imprisoned, but by judg- 'ment of his peers, or the law of the land; which is 'explained by 25 *Edw.* III. to be a security against 'imprisonment by petition or suggestion to the king 'or his council, or in any other way than due *course* of 'law [no mention of a *vote* of the *House* of *Commons*.] 'It is certain, says that writer, that men, imprisoned 'by the *commons*, underwent no judgment of their 'peers, were not committed by any *legal* process, or 'by any law, that we know in this land[a].' He insists, that the commons have no right to imprison any, but their own members, and that only when absolutely necessary. The members know this power of the house, and voluntarily expose themselves to it, by going into the house; which other subjects do not; but claim the privilege given them by *Magna Charta*. He owns, likewise, that there may be some pretence for imprisoning persons not members, when guilty of breach of privilege, or contempt. [In which I think he makes too large a concession. I see not the justice, nor even the common decency of any set of men whatever (I am of opinion the two houses of parliament are but *men*) punishing any offence against *themselves*. There is no possible case, in which a *jury* may not decide.] Confinement by the *commons alone*, he observes, is an encroachment on the legislature, which consists of king, lords, and commons[b]. The commons sending the subjects to prison, even though guilty, is assuming the office of the *executive*, which belongs

[a] STATE TRACTS, time of king *William*, III. 267.
[b] Ibid. 268.

belongs to the *king*, the commons being of the *legiſlative* only. A power in the commons of impriſoning is a mockery, he thinks, of the people's liberty; becauſe a free people ought to be liable to no puniſhment, but in conſequence of ſome *known* ſtanding *law*. Judges, and juſtices of the peace have a power of impriſoning in conſequence of their being impowered by the king to execute the laws, which the commons are not. The commons have no need of a power to puniſh, becauſe they may apply to the executive whenever a known law is violated. [Even the *ſoveraine* cannot puniſh an offence againſt *himſelf*. The offender is tried and condemned by *indifferent* perſons, *viz.* judges and juries.] The houſe of commons has no power to decide concerning *property*; how then, he ſays, can it take away perſonal *liberty*, which is more valuable? He ſays, the power of impriſoning was but juſt *then* aſſumed by the commons, and could not plead cuſtom, or preſcription. Too great a power in the houſe of commons, he ſays, may produce great miſchief many ways; particularly by diſguſting the people againſt parliamentary government, and driving them to ſuch a proceeding as that of the *Danes*, who, to be free from the tyranny of their lords, made themſelves ſlaves to their king. When there is reaſon, he ſays, to ſuſpect a great prevalency of bribery and corruption in the houſe of commons, it is time for the people to ſee to the *retrenching* of their power; [the cutting off of *court influence*, he ſhould have ſaid] for that a corrupt houſe of commons may be expected to make themſelves formidable to the people, in order to be of conſequence to the court, and to deſerve the more liberal *pay* [a].

No

[a] STATE TRACTS, time of king *William*, III. 270.

No ſet of men empowered *only* to make *laws*, can, without an expreſs commiſſion from the people, *alter* the *conſtitution*, becauſe it is only upon the *principles* of the *conſtitution*, that they had their power entruſted to them; and the principles of the conſtitution will never bear them out in *overthrowing* the conſtitution. The *people*, whoſe original and inherent power eſtabliſhed the conſtitution, *may change* the conſtitution, or empower a ſet of men to change it.

Writers on the ſide of this aſſumed boundleſs parliamentary privilege, by accuſtoming themſelves to think of the houſe of commons as the *repreſentative* of the people, fall into the miſtake, that whatever is right for the *one* is right for the *other* likewiſe, and that whatever the *people*'s power reaches to, is likewiſe within the reach of the aſſembly of *repreſentatives*. And this is, generally ſpeaking, true. But there is a diſtinction to be made. The people have certain *incommunicable* powers, which their repreſentatives can upon no occaſion challenge to themſelves. The people alone can *elect* repreſentatives. The whole body of repreſentatives have not in themſelves the power to *take into*, to *exclude*, or to *expel* from their houſe one ſingle member, otherwiſe than according to notorious and ſtated *laws* made by the *whole* legiſlative power, and aſſented to by the *people*. This may be explained by comparing it with the king's power of commiſſioning embaſſadors for foreign courts; which power is *incommunicably* inherent in him, in ſuch manner, that all the embaſſadors employed by the king cannot by any power of their own ſend an embaſſador to, or diſmiſs, or expel one from the moſt inconſiderable court. Yet every embaſſador, when furniſhed with his credentials, has the power of repreſenting the king his maſter's

maſter's perſon at the court to which he is ſent, in all thoſe matters and things which enter into the function of an embaſſador. Again, the people alone have the power of determining for how long a *period* they will continue their repreſentatives in office. The aſſembly of repreſentatives have not power to continue their own authority one day beyond the time, for which they were elected. If they have, they may, at any time, erect themſelves into *peers*, and inſiſt on keeping their ſeats for life. Again, an aſſembly of repreſentatives have no power to aſſume to themſelves any unprecedented *privilege*; but the people have power to confer on their repreſentatives what privileges they pleaſe, to limit them as they pleaſe, and even to new-model the whole government.

In the caſe of a court of directors, eſtabliſhed by a trading company, it is univerſally underſtood, that the directors, when once eſtabliſhed by the proprietors, have power to do whatever the proprietors could do for the common advantage of the company, this power being ſtill left to the explication and limitation of the proprietors. But, when a director dies, or reſigns, the court of directors cannot put *another* in his place. This is the incommunicable privilege of the proprietors. Nor can the directors lengthen, beyond the intention of their *conſtituents*, the *time* for which they were appointed. Nor can they aſſume to themſelves any one power or *privilege*, different from thoſe given them by the proprietors. Nor can they *refuſe* a duly elected director, nor take in one of their *own* chuſing, nor *expel* one choſen by the proprietors, otherwiſe than according to the laws of the company, and the powers originally repoſed in them. Nor can they *alter* any thing *fundamental* in the conſtitution of the com-

pany; but the *proprietors* can; ſo far as to the total *diſſolution* of the incorporate body. Therefore, when Mr. *Prynne* was threatened by Sir *H. Vane*, and Sir *A. Haſelrig*, to be voted out of the houſe of commons, *A. D.* 1659, he anſwered, 'He knew of no 'one in the houſe who had a *right* to vote him out, 'being equally *entruſted* with themſelves for the whole 'nation, and thoſe he repreſented [a].'

As to the power aſſumed by the houſe, of ſending for perſons, papers, and records, and of reprimanding, fining, impriſoning offenders, it has long been queſtioned, and never rightly eſtabliſhed. *Burnet* writes of it as follows; 'The commons could not receive 'an information upon *oath*, nor *proceed* againſt thoſe 'who *refuſed* [b]. Their right of impriſoning any be-'ſides their own members, was inquired into, and it 'was found to be built on *no law*, nor *practice*, older 'than queen *Elizabeth*. Several people therefore, when 'ſent for in cuſtody of the ſerjeant at arms, refuſed to 'attend [c].'

When the commons, in the third parliament under *Ch.* II. impriſoned, too arbitrarily, many of the abhorrers, or court-party, the clamour turned againſt them, and one *Stowel* ſtood on the defenſive againſt the ſerjeant, when he came to apprehend him, ſaying, The commons had no law for impriſoning. He got the better. And the commons, to ſave their authority, dropped the matter, and granted *Stowel* a month to recover from an indiſpoſition, which he had not [d].

It is manifeſtly an irregularity for the houſe of commons, which is only a *third* part of the *legiſlature*, to take to

[a] PARL. HIST. XXI. 395.
[b] *Burnet*'s HIST. OWN TIMES, II. 121. [c] Ibid.
[d] *Hume*'s HIST. STUARTS, II. 310.

to itself *singly* the executive power. 'The house of 'commons has no more power to administer an oath than 'to cut off a head,' says *Charles* I. [a] The power of the house (as being *no court* of *judicature*) to examine witnesses, was questioned by the lords, *A. D.* 1732. Though the commons had always claimed that power, yet it was a point still in dispute between the two houses. It was argued, that the commons had delegated that power to their committees. That members, who were justices of the peace, could administer the oath to the witnesses, for which there was precedent. That that house was a court of record, and as such they certainly had a power to administer an oath, in any affair that came properly before them. But being unwilling to have any dispute with the lords, the debate was dropped [b]. There is no *statute law*, by which a *constitutional* power is given to the house of commons to order a paper to be burnt, and the sheriffs to attend and see it done. That they have *assumed* this power from time immemorial, is undoubted [c].

It was resolved by the commons, *A. D.* 1689, 'that *bailing* by the court of *king's bench*, persons 'committed by this house, is a crime, for which the 'advisers may justly be excepted out of the indemnification [d].' The king's bench goes on, however, the same year, bailing by *Habeas Corpus*, persons obnoxious to the commons. The commons order the governor of the Tower to bring before them in custody of their serjeant at arms, Sir *Thomas Jenner* and others, tho' bailed

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[a] Parl. Hist. xii. 66.
[b] Deb. Com. vii. 242.
[c] Ibid. 247.
[d] Ibid. ii. 321.

bailed before the warrant could reach them. Not giving ſatisfaction, on their examination before the houſe, a committee is appointed to prepare a charge againſt them. The governor of the Tower is ordered to bring before the commons ſeveral lords, and others. The commons prepare impeachments againſt them. They order ſeveral others into cuſtody [a]. At the ſame time that the commons conſulted ſafety, they puniſhed cruelty. They ordered *Richardſon*, keeper of *Newgate*, to be proſecuted for cruelty to his priſoners [b].

In the affair of the printers in 1770, it was argued in the houſe of commons, that the power of ſummoning perſons before them, and puniſhing for refuſal, is *neceſſary* for preſerving the purity of elections; becauſe, if every returning officer may proceed as he pleaſes, and laugh at the houſe of commons, there muſt be an end of all due election and return. But we know that *many* matters relating to elections are now allowed to be cognizable in the courts of *law*. Why ſhould not *all?* Why ſhould the houſe of commons concern themſelves with any thing, but their *great objects*, *viz.* legiſlation, raiſing ſupplies, and enquiring into the conduct of *miniſters?* One thing we all know relating to this affair, *viz.* That if the commons would go on with their own buſineſs, and leave the deciſion of elections, and breaches of their own privileges, to the inferior *courts*, magnanimouſly declining to be judges in their *own* cauſe, and having nothing to do with any man, till he comes to take his ſeat, and has ſatisfied the houſe, that either his election was never queſtioned, or if queſtioned, was legally decided, as any other difference between man

[a] Deb. Com. ii. 356. [b] Ibid. 357.

and man; it is, I say, notorious, that if this was the *lex et consuetudo parliamenti*, there would be no opportunity for the reflections now so commonly cast upon our house of commons, as deciding elections too much in favour of the *court*-candidate, and as taking upon themselves the *inconsistent* offices of *plaintiffs*, *judges*, and *juries*.

Judge *Blackstone*, in his account of the unknown and *unlimited* power and privileges of parliament [a], seems to forget, that the safety of the people *limits* all free governments. It is true that the people of *England*, not being accustomed, till lately, to apprehend danger from any quarter, but the *throne* (tyranny having been an old trick among kings from *Nimrod*'s time down) have all along encouraged and supported their *parliaments* in extending their power, as the only sure bulwark against regal encroachments. But latter ages have taught us the necessity of looking out for security against *parliamentary* encroachments. And, the method is not by lessening the power of *parliament*, but by lessening the power of the *court* over the parliament. For a parliament is not (as a king) *naturally* hostile to liberty. If ever a parliament comes to oppose, or injure the people, it must be in consequence of an *unnatural* influence acting in it. Therefore our modern male-contents seem to be in a wrong pursuit. To retrench the power of their *representatives*, would be lessening their *own* power. To break through the corrupt influence of the *court* over their representatives, would be making them *truly* their representatives. Take away court-influence, and the 558 will of course pursue the interest of their country, as any other set of gentlemen

[a] Com. i. 161, *et seq.*

men would do, becauſe their *own* will be involved in it, when they have no places or penſions to indemnify them. At the ſame time it cannot be denied, that for a houſe of commons, though ever ſo incorrupt and uninfluenced by the court, to be ever graſping at new privileges, and aſſuming new powers, deſcending from the dignity of repreſentatives of the majeſty of the people of *Britain*, taking upon themſelves the office of the juſtices, proſecuting, impriſoning, and fining, a ſet of printers and bookſellers, depriving the ſubject of his trial by jury, and employing their time in hunting out ſmall offenders, while they ſhould be battling the gigantic enemies of liberty and virtue, and planning meaſures for making unborn millions happy; it cannot be denied, I ſay, that ſuch proceedings as theſe are infinitely *beneath* the attention of a houſe of commons, though it ſhould be granted, that the *power* of the houſe of commons, being the power of the *people*, ought not to be *limited*. All things are *lawful* for them; but all things are not *expedient*. The truth of the matter is, That if our houſes of commons had kept to their proper ſphere, we ſhould never have ſeen any *libels* againſt them, nor any *occaſion* for proſecuting, impriſoning, and fining; or if there had, the *courts* of king's bench and common pleas were open.

The following paſſages from the Magazines ſhew how theſe aſſumptions of the houſe of commons appear to the *people*.

'It is not more known, than lamented, what an 'authority the houſe of commons has claimed over 'the liberty of the ſubject; and how numerous the 'inſtances are in our hiſtory, where, without the ſpe-'cification of any *crime*, or the execution of any *war-'rant*, they have *voted* a freeman of *England* into

'*priſon*, and kept him cloſely confined for *weeks*, nay '*months*, to the irreparable injury, perhaps, of him 'and his family. To aggravate the cruelty of the pro-'cedure, they have even voted every body who offered 'to procure him the leaſt *juſtice*, an *enemy* to his 'country; and deemed it to the laſt degree unpar-'donable, that he ſhould have recourſe to thoſe very '*laws*, for ſatisfaction, which they *themſelves* had eſta-'bliſhed for his redreſs. The privilege thus claimed 'by the houſe of commons is no leſs repugnant to the '*laws* of this kingdom, than it is oppoſite to reaſon 'and *nature:* if then we are deſirous of reſtraining 'the ſervants of the *crown* from the exerciſe of an 'arbitrary authority, whence comes it that we have 'never endeavoured to reſtrain our *own* immediate *ſer-'vants* from the exerciſe of a tyranny practiſed a thou-'ſand times more frequently, and infinitely more re-'plete with ſlavery and deſtruction [a]? Perhaps it may 'be ſaid, There is no likelihood that the houſe of 'commons will *reſign* any part of their privileges. 'What is this, but ſaying, that the auguſt aſſembly 'in queſtion, will not adopt a meaſure highly *bene-'ficial* to the freedom and happineſs of their *country?* 'What is it, but ſaying, that they are *fond* of a *power* 'to treat thoſe very people as the moſt abject ſet of '*ſlaves*, whoſe liberties they have ſolemnly *ſworn* to '*defend?* And what is it but a poſitive implication, 'that they are the greateſt of all *enemies* to that very 'national *welfare*, which they profeſs ſo tenderly to '*cheriſh* and *befriend* [b]?'

Suppoſe a man had *perſonally* offended the majority of the individuals, who happen to compoſe a *jury*, that

[a] Lond. Mag. *Sept.* 1765, p. 481. [b] Ibid. 482.

that is to try him. Would not every body acknowledge, it would be great ſeverity to refuſe him the uſual liberty of *objecting* to his jury? But ſuppoſe twelve men to commence a proſecution againſt one; and that thoſe very individuals are immediately, in the very *rage* of their reſentment, incloſed to paſs a verdict, and determine of a puniſhment for an offence againſt *themſelves*. Would this have the ſmalleſt ſemblance of *juſtice?* On the contrary, is it not the very deſign of law, to take out of the hands of the *offended*, the trial and puniſhment of the offenders, and put it into thoſe of *indifferent* perſons? But, when either houſe of parliament, or a court of juſtice puniſhes for breach of privilege, or contempt of court, the perſons *offended* are the *judges*, and inflict the puniſhment.

If it be objected, that it is beneath the dignity of the auguſt houſe of commons to ſubmit their complaints againſt thoſe who have been guilty of breach of their privileges, to the deciſion of a court of law (which the *ſovereign* himſelf muſt do) let it be remembered, that, according to the preſent monſtrous ſtate of repreſentation, a gentleman of 5000 *l.* a year, by ſitting in the houſe of commons, in conſequence of the votes of 10 beggars, acknowledges a *ſuperiority* in thoſe 10 men; for he could not have ſate, if they had not *empowered* him. If now he ſhould *ſubmit* to thoſe 10 conſtituents *his part* of a *diſpute* between the houſe of commons and an author, or printer, or between the houſe, and a member who has affronted them by accuſing them of corruption, I ſhould be glad to know, whether he would do a *meaner* thing than he has already done in ſubmitting to thoſe 10 worthies, whether he ſhall *ſit* in the *houſe* or not.

It is the natural diſpoſition of man, to overſtretch whatever power he gets into his hands. It is the ſame incroaching diſpoſition, that puts kings upon deciſion by arms, rather than by arbitration, which puts lords upon rejecting the moſt ſalutary bills, which puts them and commons upon puniſhing ſuppoſed offences againſt themſelves, and which puts inferior courts upon puniſhing what they call contempt. And it is eaſy to find ſomewhat plauſible to ſay in ſupport of an unjuſt claim. But after all is ſaid, it will ſtill be true, that a king's chooſing the brutal deciſion of arms, rather than the rational one of arbitration by *neutral* powers, that a houſe of lords or commons, taking into their *own hands* the puniſhment of ſuppoſed offences againſt *themſelves*, inſtead of referring them to *indifferent* perſons, and a court of law or juſtice *puniſhing* whatever it pleaſes to call contempt againſt *itſelf*, inſtead of leaving the matter to a jury of the ſuppoſed offender's *peers*, without which every puniſhment is *irregular*;—there is no doubt, I ſay, that all ſuch proceedings as theſe are inconſiſtent, not only with juſtice and liberty, but with *civilization* and *police*, and are the very evils complained of under *tyrannical* governments, and among *ſavages*, not yet regulated by government.

'The legiſlative authority which has power to 'abrogate all laws now in being, cannot be tyed 'to any rules of human preſcription, but there are 'eternal rules of equity and juſtice, right reaſon, and 'conſcience, and theſe are unalterable, and never to 'be ſwerved from.' Words of Sir *Godfrey Copley*, concerning the houſe of commons trying Sir *John Fenwick* for treaſon in an unprecedented way.

Lord

Lord *Coke* [a], and many other writers, make a great matter of the houſes of parliament being the *ſole* judges of whatever concerns their *own* houſes reſpectively, becauſe they are the *ſupreme* court, and no other court can intermeddle with their affairs. And it is, by the ſame able writer, and others, taken for granted, that every court is to be *ſole* judge of its *own* privileges, and of offences committed againſt itſelf.

There is no doubt concerning the ſupremacy of parliament, and that therefore no inferior court can, of its own authority, *claim* the deciſion of differences between the houſes, or between one houſe and a ſuppoſed offender, or offenders, againſt that houſe. But there is certainly a power in either houſe to *refer* to the deciſion of others any matter, wherein the *houſe* is itſelf a *party*. And it will *then* become lawful for thoſe, to whom the *reference* is made, to *decide*.

It does not appear to me, that there is any thing *humiliating* in ſubmitting to the deciſion, or arbitration, of a ſet of men, whether in or out of parliament, or that it neceſſarily implies acknowledging a *ſuperiority* in thoſe men. In a diſpute between the king and a merchant, neither one nor the other thinks himſelf *degraded* by having the cauſe tried by the court of King's Bench, and the point determined by a jury. The cauſe muſt be tried in that court firſt, and cannot come before the lords, but by appeal. And even when it is finally determined by the lords, is the ſovereign *degraded* by ſubmitting to the deciſion of his *inferiors?* The *lords* are as much his inferiors after, as before. What could be nobler, than to ſee a man

[a] INSTIT. v. 15.

of high rank and large fortune decline to pronounce in a diſpute between himſelf and one of his domeſtics, and leaving the matter to arbitration of his other domeſtics?

Suppoſing the houſe of commons elected in an adequate manner, that is, every member by about 400 men of property, I ſay that in ſubmitting to their arbitration, a member would ſubmit to his undoubted *ſuperiors* in every reſpect. If *every* member ſubmits, the *houſe* ſubmits to their *conſtituents*. And ſurely it could be no *degradation* for them to ſubmit a point of honour or ceremony, a matter of no national conſequence, to their political *creators*, from whom they derive their very *exiſtence* as a *houſe*.

Suppoſing it granted, that there is a *difficulty* either way, *viz.* Whether parliament takes into its *own* hands the puniſhment of offences againſt itſelf, or leaves it to arbitration by *others*, will any man pretend, that the difficulties are *equal* on both ſides? Nay, will not any man acknowledge that in declining to be judges in their *own* cauſe, there is *magnanimity*; as on the contrary (in all private diſputes at leaſt) there is much *ſelfiſhneſs* and *arrogance* in claiming to decide our *own* quarrels.

It is uſually ſaid, there are *cuſtoms* of parliament and other courts, which *themſelves* only underſtand. Are then the cuſtoms of parliament and other courts only to be explained by algebra, fluxions, or the higher geometry? Or are they matters of plain *common ſenſe*? If they be not, the moſt innocent and uprightly-intentioned ſubject may fall into the great and dangerous guilt of offending againſt thoſe *inexplicable* cuſtoms and privileges, and may find himſelf ſuddenly in the ſame condition with the unfortunate ſailor daſhed on unſeen breakers in an open ſea, ſwallowed up and loſt.

A. P.

A. D. 1704, the lords, in their judicial capacity, determined, that a perſon's right to vote for a member might be tried at *law*, and that the *commons* have nothing to do with that point, and that, by their vote to the contrary, they had ſtruck at the *liberties* of the people, the *law* of *England*, and the judicial *power* of the houſe of *lords* [a]. This was taking the protection of corrupt returning officers out of the hands of the houſe of commons. Even lord *Coke*, who magnifies the power of parliament as much as any writer whatever, obſerves, that parliaments may do wrong, of which he gives ſeveral inſtances. He quotes one 'miſchievous act with a flattering pre-'amble [b],' by pretext of which *Empſon* and *Dudley* committed innumerable oppreſſions upon the ſubjects, and the act was accordingly repealed the firſt parliament after the death of *Hen.* VII. in whoſe time it was made. 'A good caveat, ſays he, to parliament, 'to leave all cauſes to be meaſured by the golden and 'ſtraight metwand of the law, and not by the uncer-'tain and crooked cord of diſcretion.'

The popiſh party blamed parliament for taking into cuſtody ſome of the abhorrers. They ſaid it was a matter which had no relation to privilege of parliament, ſignifying, that if it had, there had been no harm [c]. We now queſtion the doctrine of a *power* in the *commons* of impriſoning for any thing, but what *ſtops* proceedings of the houſe, and is done *in the houſe*. Inſtances were brought by Sir *William Jones*, of commitments of perſons not members for faults not breaches of *privilege*, as for exerciſing *patents* condemned

[a] *Burnet*'s Hist. own Times, iii. 39.

[b] Inst. v. 39. [c] Deb. Lords, i. 276.

demned by the commons, and for faults in *preaching* and *catechiſing*. 'There would be no end, ſays he, 'of giving inſtances of ſuch commitments which may 'be obſerved in almoſt every parliament.' This however was all wrong, as ſuperſeding law [a]. Parliaments were liſtened to, and thanked for detecting wicked favourites by *Edw.* I. *Hen.* II. IV. V. and *Elizabeth.* The contrary by *Hen.* III. and VI. and *Edw.* II. and *Rich.* II. This was the proper buſineſs of parliament, the other of the courts of *law.*

The power of the houſe of commons to ſend even their *own* members (much more other ſubjects) to priſon without tryal by jury, is to the laſt degree dangerous. For a houſe of commons may become, through court-influence, ſo generally corrupt, that they may ſee it proper to ſend every *honeſt* member to the Tower, the moment he opens his mouth againſt their traitorous meaſures, and in favour of his country. This could not be, if every perſon, whether member or not, offending, or ſuppoſed to offend, againſt the orders of the houſe, were to be tried, before he could be committed, by a jury of thoſe, who are in every reſpect *equal* to the members, I mean the *people*, the *conſtituents* of the members.

There is an act 1 *Jam.* I. cap. 16. entitled, 'An 'act for *new* execution againſt any who ſhall be here-'after delivered out of priſon by privilege of parlia-'ment, and for diſcharge of them, out of whoſe cuſ-'tody ſuch priſoners ſhall be delivered [b].' This ſhews, that privilege was not originally intended for oppreſſion of the ſubject. But judge *Hales* collects many inſtances of privilege allowed to members and the

[a] DEB. LORDS, 1. 277.

[b] *Hakew.* MOD. TENEND. PARL. 65.

the ſervants of members upon very frivolous pretences, and to the great loſs of their juſt creditors [a]. By 4 *Edw.* III. [b] it was enacted, that 'though the lords 'and peers of the realm in preſence of the king had 'taken upon them to give judgment in caſes of trea-'ſon and felony of ſuch as were no peers of the realm, 'hereafter no peer ſhall be driven to give judgment 'on any other than their peers according to law [c].' Why did not the commons come to the ſame reſolution? See [d] many inſtances of puniſhments inflicted upon perſons not members, for pretended breach of privilege, which would have come much more decently from the court of King's Bench, even though juſtly inflicted, which was not always the caſe.

Judge *Hales* ſays, both lords and commons independently have power of judicature [e]. Yet he ſays an ordinance, or reſolution of one houſe, 'bindeth 'not in ſucceſſion [f],' unleſs it afterwards receive the ſanction of the other branch, or branches of the legiſlature.

A. D. 1584, Dr. *Parry*, for ſpeaking freely in the houſe againſt a bill, was committed to the ſerjeant, brought to the bar, and obliged on his knees to confeſs his fault, and aſk pardon, &c. [g] But by 4 *Hen.* VIII. cap. 8. it is enacted, 'That all ſuits, fines, pu-'niſhments, corrections, &c. to be put or had upon 'any member, for ſpeaking, reaſoning, or declaring 'of any matters concerning parliament to be com-'menced, or treated of, be utterly void, and of none 'effect.' This act is declaratory of the antient law and cuſtom of parliament [h].

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[a] *Hale's* Pow. of Parl. 164.
[b] Rot. Parl. No. 6.
[c] *Hale's* Pow. of Parl. 26. [d] Ibid. 173.
[e] Ibid. 25. [f] Ibid. 26, 31.
[g] *Hakewel*, Mod. Tenend. Parl. 75.
[h] *Hale's* Pow. of Parl. 8.

CHAP. V.

Parliamentary Privileges and Profecutions have been too generally frivolous and unjuft.

TO prove that parliamentary privileges and profecutions are grievances, I will add here a few, out of a great many inftances I had collected in the courfe of my reading, of parliamentary profecutions, very much unworthy the dignity of parliament, which will fhew, that it is not eafy for men going out of their proper fphere to act fuitably, nor to exclude *paffion* and *prejudice* from their decifions in their *own* caufe.

In fact, the liberty and property of free-born *Engliſhmen* are things of too facred a nature to lie open to invafion, from the fudden refolutions of any fet of men whatever. And yet greater depredations have not been committed, than thofe which the liberty and property of *Engliſhmen* have fuffered, at the hands of kings and miniſters, who have been artful enough to prevail with parliaments (naturally friendly to liberty) to become the inſtruments of their tyranny.

Some members of parliament, in the time of *Philip* and *Mary*, *A. D.* 1555, made a feceffion. Some were indicted and fined; others traverfed; but the point was not decided, when the queen died.

Mr. *Taylor*, barriſter at law, a member, was brought on his knees in the houfe, *A. D.* 1631, for faying, that the parliament had committed murder with the fword of juſtice, in the caſe of *Strafford*. He was expelled the houfe, and voted incapable of ever fitting more. He was committed to the Tower during plea-

ſure of the houſe; and afterwards carried to *Windſor* to make his recantation [a].

In the time of *Jam.* I. the year not mentioned, a member, for ſeeming to reflect on another member, as puritanical and factious, was called to the bar, and on his knees diſcharged the ſervice of the houſe, with an intimation, that his ſentence was very merciful, becauſe they might have impriſoned him beſides [b].

The commons, afraid of *Lilburne*'s party and the levellers, made them cloſe priſoners in the Tower; but this ſevere order was countermanded afterwards [c]. His printed papers were ordered to be burnt by the hangman; the ſheriff to protect him: the gentleman uſher of the houſe to ſearch for papers of the ſame kind, and bring them before the houſe [d].

'There have been no caſes harder than thoſe, in 'which *king*, *lords*, and *commons* have concurred; as 'that of *Cromwel*, earl of *Eſſex*, who was attainted, 'and not ſuffered to come from the Tower to be 'heard [e].'

Hen. Marten, eſq. was diſabled, *A. D.* 1643, and committed to the Tower by the houſe of commons, for reflecting on the king and royal family, but afterwards reſtored, and the ſentence eraſed from the Journals. Several were diſabled for having been in the king's quarters [f]. One ſuſpended for writing a book againſt the Trinity. Recants, and is reſtored; but afterwards diſabled for the ſame offence [g]. *Coningſby* expelled for being a monopoliſt [h]. Commons exclude

[a] *Hakewel*, MOD. TENEND. PARL. 80. [b] Ibid. 79.
[c] PARL. HIST. XIX. 121. [d] Ibid. XV. 25.
[e] DEB. COM. II. 405.
[f] PARL. HIST. IX. 15, *et ſeq.*
[g] Ibid. 27. [h] Ibid. 28.

clude all those members who voted for treating with the king; it is plain they thought they had power of exclusion and incapacitation. However, the people seemed pleased, for there came multitudes of addresses from all quarters approving of their proceedings [a].

Cranfield was fined 500 *l.* each to four members whom he had slandered [b].

Lord *Saville* was committed to the Tower, for refusing to name the person who had written a letter to him, which parliament had thought treacherous [c].

'An order, *A. D.* 1647, for several members of the 'house to take some of the deputies of the serjeant at 'arms, and to break open doors, and seize trunks and 'papers of one captain *Vernon*, was much opposed by 'some members, as altogether illegal [d].'

Doctor *Cary* was brought to the bar of the house of *peers*, *A. D.* 1677, and examined concerning a MS. carried by him to the press, on the illegality of the prorogation; because he would not answer certain interrogatories, he was fined 1000 *l.* and kept in prison till he paid the money [e]. *Aaron Smith* being accused of seditious words to the same purpose, and absconding, the house addressed for a proclamation to apprehend him, which the king granted accordingly [f].

Even the punishments inflicted by the house of *peers*, though undoubtedly a *court*, will not be submitted to without discontent, when ordered in this arbitrary manner.

Sir

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a PARL. HIST. XVIII. 548.
b Ibid. XIV. 22.
c Ibid. XIII. 509.
d *Whitelocke*'s MEM. 277.
e DEB. LORDS, I. 196.
f Ibid.

Sir *J. Maynard*, *A. D.* 1647, treats the houſe of lords with contempt. Is fined 5000 *l.* and ſent to the Tower [a]. Wanted to be tried by a *jury*. Nor will the ſubjects, while a ſpark of liberty remains, be reconciled to any other form of trial.

The commons took too much upon them, *A. D.* 1681, when they paſſed a vote, that the laws againſt recuſants ought to be only put in execution againſt papiſts, and not againſt proteſtant diſſenters. Their deſign was right, ſo far as they meant to favour proteſtant diſſenters; but no *ſingle* branch of the legiſlature has power to diſpenſe with laws made by the united authority of all the *three*. They are to be regularly repealed by the ſame authority which made them [b].

When the bill to prevent double returns paſſed, *A. D.* 1695, ſome lords proteſted, becauſe the commons took too much upon them, when they pretended to ſettle the courſe of elections and returns by their vote, excluding the other houſe, which was making themſelves, contrary to the conſtitution and ſenſe o the public in all ages, a court of judicature [c].

John Biddle, a ſchool-maſter, was examined, *A. D.* 1654, for an *Arian* book. The book was burnt by the hands of the hangman. He was committed to the Gate-houſe, without pen, ink, or paper. Seems to have been a man of no depth. He was confined afterwards in Newgate, and then baniſhed to the iſle of *Scilly* [d].

Parliament, *A. D.* 1650, takes up the office of criminal judges, and ſentences ſeveral perſons to the pillory for forgery [e].

A. D.

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[a] Parl. Hist. xvi. 517.
[b] *Burnet*'s Hist. own Times, ii. 135.
[c] Deb. Lords, i. 459.
[d] Parl. Hist. xx. 398. [e] Ibid. xix. 255.

A. D. 1680, one *Sherridan*, in cuſtody of the ſerjeant at arms by order of the houſe, had moved for his *habeas corpus*. Refuſed by judge *Raymond*, becauſe committed by order of the houſe, though moved in behalf of *Raymond*. Sir *William Jones* is againſt bailing in caſe of commitment by the commons. Says the houſe of commons is a court of itſelf, and part of the higheſt court in the nation, ſuperior to thoſe in *Weſtminſter-hall*, and the laws made in it, are to bind the inferior courts, but cannot be underſtood to bind themſelves. That it is dangerous to hinder the power of parliament (in thoſe days the houſe of commons was the people). A commitment by the houſe is a judgment, and was never allowed to be bailable. If perſons committed by the houſe on any account may be bailed, they may be bailed even though committed for breach of privilege, and then the houſe is diſarmed of its neceſſary power. Thinks it improper to make any reſolution, or give any anſwer to the motion in behalf of *Raymond*; but to leave the judges at their peril to bail perſons committed by the houſe [a].

'The higheſt court is to govern according to the 'laws, as well as the loweſt [b].' The words of the duke of *Buckingham*, 1668, 20 *Car.* II. ſpeaking of the houſe of peers, directed to the commons in a conference on the affair of *Skinner*. He goes on, 'I ſuppoſe none 'will make a queſtion, but that every man and every 'cauſe is to be tried by *Magna Charta*, i. e. by his 'peers, or according to the law of the land.' As if he had meant, that parliamentary trials are *not* according to *Magna Charta* and the law of the land.

'The good old rules of the law are the beſt ſecu-'rity; and let not men have ſo much cauſe to fear, 'that

[a] Deb. Com. II. 60. [b] Ibid. I. 124.

'that the settlements they make of their estates shall 'be too easily unsettled, when they are dead, by the 'power of parliament [a].'

'Our judges and ministers of justice, neither can 'nor ought, in reverence to the votes of either or both 'houses, to break the oath they have taken, for the 'due and impartial execution of our laws, which by 'experience have been found to be the best support 'both of the protestant interest and of the peace of the 'kingdom.' *Charles* IId's words in his proclamation, *A. D.* 1681, and apology for dissolving his parliament, premisses very just, though ill applied [b].

In the case of Lord *Banbury*, the chief justice *Holt* disregarded a vote of the house of *peers*; and in that of *Ashby* and *White*, the courts of law took no notice of a vote of the house of *commons* [c].

The Lord chief justice *Holt* was 'very learned in 'the law, and had on great occasions shewed an in-'trepid zeal in asserting its authority.' For he ventured on the indignation of both houses of parliament by turns, when he thought the *law* was with him [d].

Imprisonment by mere order of *council* was, in the time of *Charles* I. found to be *illegal*, and contrary to *Magna Charta*, and is likewise inconsistent with six statutes in favour of liberty made since [e]. By the same rule, imprisonment as a *punishment*, inflicted by any order whatever, without trial *per pares*, is *illegal*. This was the very tyranny of the star-chamber and high commission-courts.

[a] *Charles* IId's speech, 1662. Deb. Com. i. 56.
[b] Deb. Lords, i. 262.
[c] *Alm.* Deb. Com. viii. 150.
[d] *Tind.* Contin. i. 156.
[e] *Hume*'s Hist. Stuarts, i. 151.

There was an order for a reward of 50 *l. &c. A. D.* 1677, for apprehending *Andrew Marvel* for publiſhing againſt the government [a].

Shafteſbury, after many months confinement in the Tower, had recourſe to the court of king's bench. Obtains no redreſs. Obliged to aſk pardon of the houſe in terms dictated for him. Releaſed after 13 months confinement [b].

Several people were taken into cuſtody for ſpeaking diſreſpectfully of the houſe, *A. D.* 1697 [c].

Charles Cæſar, Eſq; was committed to the Tower, for ſaying, 'the queen did nothing without a certain 'lord, who in the late reign was known to keep a 'conſtant correſpondence with the court of *St. Ger-* 'mains [d].'

Articles againſt Sir *Edward Dering*, *A. D.* 1642, were, That he had encouraged a petition derogatory from the authority of parliament; in which petition it was requeſted, that no member ſhould be *expelled* without ſhewing *cauſe*; that the ſubjects ſhould not be bound by any order of either houſe *ſingly*, particularly that no order concerning the militia from the commons only ſhould be binding. All this they declared wicked and ſeditious; and his having ſaid, the delivery of the petition ſhould be by 40,000 people, and his uſing means to raiſe an inſurrection for that purpoſe [e]. Declared a breach of privilege of parliament. He flies from juſtice. Summoned to anſwer before the parliament. Some of the men of *Kent* come to the parliament with their petition, though before burnt by the hangman. Some of them were committed, the reſt diſmiſſed [f].

Candles

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[a] Deb. Lords, i. 202.
[b] Ibid.
[c] Deb. Com. iii. 72.
[d] *Tind.* Contin. i. 729.
[e] Parl. Hist. x. 454.
[f] Ibid. 472.

Candles called for, *A. D.* 1641, oppoſed by the majority. The ſerjeant by miſtake brings them in. *Widdrington* and *Herbert*, members, take them away without orders of the houſe: great diſturbance enſues. They are called to the bar. Are ordered to kneel. They refuſe; and are ſent to the Tower [a].

It was debated, *A. D.* 1696, whether the mace ſhould lie on the table, as uſual, while Sir *J. Fenwick* was under examination before the commons, and whether the ſheriffs of *London* could have him in cuſtody before the houſe. It was determined, that the mace ſhould be held by the ſerjeant at arms at the bar by Sir *John*. He got his trial put off on falſe pretences, for which the commons meant to have him attainted, convicted, and executed, as a traitor for eluding juſtice; upon the ſame principle as people are outlawed, who fly from trial, or bankrupts are made felons, who do not appear to be examined, or culprits are preſſed to death, who will not plead either guilty, or not guilty. 'A bill of attainder, a member ſaid on that 'occaſion, is an extraordinary thing, and never uſed, 'but upon extraordinary occaſions—Parliament may 'declare that to be a crime, which was deemed no 'crime before it was committed, and ſurely they may 'determine what they will admit as evidence of a 'crime.' Another ſaid, 'It is lodged with the 'legiſlature to judge of thoſe crimes, which are ſhel-'tered from the law; and he thought never any attain-'der was brought in upon a juſter occaſion than this [b].' It was alledged, that attainders are ſuſpicious ways of proceeding, and dangerous in corrupt times. They who ſpoke for the bill, repreſented the parliament as poſſeſſed of a dictatorial power to take care, *ne quid*

[a] PARL. HIST. IX. 372. [b] DEB. COM. III. 33.

detrimenti capiat reſpublica, and to convict dangerous men upon ſuch evidence, as to them might ſeem ſatisfactory, though not the formal evidence, required by law, and which inferior courts are obliged to follow. If all this be true, there is, ſurely, the utmoſt neceſſity for an incorrupt, for an *unſuſpected* parliament. Attainders, it was ſaid by others, were only to be had recourſe to, againſt thoſe, who were not forth-coming: but Sir *John* was in the houſe. The whole was a party-affair between the whigs and the tories, and the former were deſirous of mortifying the latter. Several lords proteſted againſt his attainder, becauſe bills of attainder againſt perſons in priſon, and who are therefore to be tried by law, are of dangerous conſequence to the ſubjects and conſtitution; becauſe the evidence of grand jury-men and petty jury-men, not given before the peers, was admitted, though they diſagreed in their teſt; becauſe information in writing was received, which prevents the witneſs being croſs examined; becauſe *Fenwick* was caſt by one witneſs only, and him a doubtful one; and becauſe *Fenwick* was not conſiderable enough to be proceeded againſt in ſo extraordinary and irregular a manner, juſtifiable only in caſes of great danger. *Fenwick*, however, was beheaded on Tower-hill, denying to the laſt, all concern in the aſſaſſination plot, though he owned himſelf a jacobite [a].

Manley, a member of the commons, was ſent to the Tower, *A. D.* 1696, for ſaying, 'It is not the 'firſt time there has been reaſon to repent mens mak-'ing their court to the government at the hazard of 'the people's liberties [b].'

Buckley,

[a] Deb. Lords. i. 465. [b] Deb. Com. iii. 32.

Buckley, printer, ordered into cuſtody of the ſerjeant for printing *Memorial of the States-general*, reflecting on the proceedings of the houſe, 1712 [a]. 'Reſolved, 'That the great liberty of the preſs is very prejudicial, '&c. That all printing preſſes be regiſtered with the 'names and places of reſidence of the owners, and 'that the authors, printers, and publiſhers names be 'put to every publication.' This, however, did not paſs into a law; but inſtead of it, a heavy duty on news-papers and pamphlets, was afterwards propoſed [b].

Complaint made to the houſe, *A. D.* 1712, of a preface to ſome ſermons of Dr. *Hoadley*, biſhop of St. *Aſaph* [c]. Ordered to be burnt by the hangman [d]. The worſt thing in the preface is, the good biſhop's expreſſing his apprehenſions, and thoſe of all the wiſe and good of thoſe times, concerning the danger in which the nation was involved from a jacobite miniſtry.

When the tory parliament of *A. D.* 1701, impriſoned the *Kentiſh* petitioners, many 'thought it to be 'the greateſt outrage upon the people's liberties, 'alledging, it was their undoubted right to petition; 'that it were better to be under the oppreſſion of one, 'than of many. What avails (ſaid they) the *Habeas* '*Corpus* act. It looked (they ſaid) as if the nation 'was betrayed, and *Engliſhmen* bought and ſold [e].'

Certain letters of Mr. *Chivers*, a member, were complained of, *A. D.* 1699, in the houſe of commons, as reflecting on, and miſrepreſenting ſeveral members. The houſe was ſo irritated, that it was carried 119 to 83, that he attend the houſe, (though indiſpoſed) and not obeying, it was moved, that he

[a] Deb. Com. iv. 297. [b] Ibid. 298.
[c] Ibid. 319. [d] Ibid. 322.
[e] See a larger account of this affair in the ſequel.

be brought by the ſerjeant at arms. This, however, was over-ruled. But they reſolved, That publiſhing the names of members, reflecting upon them, and miſrepreſenting their proceedings in parliament, is a breach of privilege, and deſtructive of the freedom of parliament [a].

Here follow ſeveral inſtances of puniſhments and cenſures inflicted by the commons on irregular proceedings in elections. Dr. *Harris*, for preaching about elections, was called before the houſe of commons, and on his knees ordered to confeſs his fault, and in the quarter-ſeſſions, and in his own pulpit before ſermon. *Ingrey*, under-ſheriff of *Cambridge*, for refuſing the poll, was committed to the ſerjeant at arms, and was ordered to confeſs his fault there, and at the quarter-ſeſſions. The mayor of *Arundel* for putting the town to great charges, not giving due and general warning, and for packing elections, was ſent for by warrant, and ordered to pay the charges. Sir *William Wrey*, and others, deputy lieutenants of *Cornwal*, for aſſuming to themſelves a power to make whom they pleaſed members, and defaming certain candidates; ſending for train bands to be at the election, and menacing the court, under pretence of the king's pleaſure, were committed to the Tower, to acknowledge their offence at the bar, and at the aſſize in *Cornwal* [b]. Yet ſeizing and ſearching the papers of members of parliament was reſolved to be breach of privilege, *A. D.* 1641 [c].

Mr. (afterwards Sir *Richard*) *Steele*, was expelled the houſe, *A. D.* 1713, for reflections on the jacobite miniſtry

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[a] Deb. Com. iii. 104. [b] Ibid. iii. 317, 318.
[c] *Macaul.* Hist. Engl. iii. 19.

miniſtry in his *Engliſhman* and *Criſis* [a]. All the wiſeſt and beſt men in the houſe defended *Steele*. But he was expelled, becauſe he had inſinuated (what no body then alive doubted) that the proteſtant ſucceſſion was in danger from the miniſtry. This proſecution, however, hurt the miniſters greatly, and occaſioned a great deal of ſearching [b]. But miniſters have great power in bringing vengeance on their enemies. And parliaments have been too buſy in humouring the views of miniſters. *Mazarine* boaſted (ſays cardinal *de Retz*) that if he had but two lines of any man's writing, he could cut off his head [c]. But to return to the proceedings againſt *Steele*: He owned he wrote what he was charged with, and with the ſame chearfulneſs as he had abjured the pretender. Blamed for the *Criſis* containing ſeveral paragraphs tending to ſedition, and reflecting on the queen and government. Not allowed to defend what he had written paragraph by paragraph, but generally. Nothing could be done more arbitrary in the court of inquiſition. Defends himſelf with great addreſs. *Foley*, inſtead of anſwering paragraph by paragraph, *Steele*'s defence, contented himſelf with ſaying it was plain to every body that the writings complained of were ſeditious, ſcandalous, and every thing bad. *Walpole* defends him, and ſhews that there was great reaſon to be alarmed [d].

There never was perhaps an inſtance of ſo trifling an affair producing ſuch weighty conſequences, as that of *Sacheverel*, *A. D.* 1709. One would have imagined, that twenty ſilly bigots might have preached twenty capucinades each, and this great kingdom have

[a] Deb. Com. v. 17.
[b] Ibid.
[c] Deb. Lords, iii. 382.
[d] Ibid.

remained in the ſame condition, as if they had never climbed their tubs. It was the fatal and ill-adviſed meaſure of ſolemnly impeaching the inſignificant cuſhion-thumper (contrary to the better advice of the then attorney general *Eyre*, who was for burning his ſermon, and impriſoning him, and even that would have been doing him too much honour) that produced the miſchief, and ſet all *England* in a flame. For the good-natured people always pity the perſon, who is puniſhed, however atrocious his guilt.

A wiſe government will always conſider maturely, which of two meaſures, is likely to produce the greateſt good, and the leaſt harm. But ſurely this thought never once entered the heads of the then miniſtry. For, it was manifeſt, on one hand, that *Sacheverel*'s ſermon was too mean a performance to produce, of itſelf, any effect. And what probable advantage could be expected from proſecuting, and raiſing to importance, the author of a production, which did not deſerve the attention of any perſon whatever, much leſs of government [a]?

Whitehead's poem, *Manners*, was complained of by lord *Delawar* [b], and unanimouſly voted a libel, &c. *A. D.* 1739. The author abſconded; but *Dodſley* appeared. Moved, that he be taken into cuſtody of black rod. Lord *Carteret* pleads for him, in conſideration of his ſurrendering, and becauſe the author was known. Other lords ſpoke bitterly againſt both author and publiſher. The chancellor *(Hardwicke)* explains the liberty of the preſs. He ſays, it meant originally the liberty of printing, inſtead of tranſcribing. Says, there are ſevere ſtatutes, unrepealed, againſt publiſhing defamatory libels in writing, before printing

[a] *Burn.* iv. 277. [b] Deb. Lords, vi. 16.

printing was discovered. Lord *Talbot* answered, that then the right way was, That any lord who thought himself injured, should prosecute *Whitehead*, before a court of justice. 'Let not, says he, such a charge 'lie against us, That we were *judges*, *jury*, and *parties* 'in the same cause [a].' *Dodsley* was, however, taken into custody of black rod.

A paper entitled, *Constitutional Queries*, was sent, *A. D.* 1751, to most persons of rank [b], and left upon the tables of most coffee-houses, insinuating designs against *Frederic* prince of *Wales*, and the protestant succession. It was censured by both houses, as malicious, false, &c. and the king was requested to give orders for prosecuting the author, &c. But no author was ever found out.

In the hon. *Alex. Murray*'s tryal, the same year, (who had been ordered by the commons to come to the bar of their house to receive, upon his knees, his sentence of imprisonment in *Newgate* for breach of privilege, &c. Mr. *Murray* not thinking his crime worthy of a chance of catching the gaol-distemper, and losing his life about a matter of privilege, had prudently kept out of the way) in the debate on this affair, I say, it was observed, that the *commons*, in such cases, assumed a privilege, which the *king* has not, (*viz.* of punishing a subject without *legal* trial) excepting in the peculiar case of suspending the *Habeas Corpus* act, when there is an actual rebellion in the country. There was a pamphlet published, giving a full account of his case. It was read in the house of commons, and the usual black epithets of malicious, seditious, scandalous, &c. heaped upon it.

A noble

[a] Deb. Lords, vi. 23.

[b] *Alm.* Deb. Com. iv. 218, 219.

A noble duke, who happened to be preſent, was ſo aſhamed of the picture drawn of him in the pamphlet, that he made his eſcape out of the houſe. The commons addreſſed the king to proſecute the author, printer, &c. 'But an independent *Engliſh* jury 'brought in a verdict, Not guilty [a].'

Mr. *Wilkes*'s proſecution does not properly belong to this chapter, having been carried on by the *ſecretaries* of *ſtate*. Of his repeated *expulſion* by the houſe of commons, in ſpite of his re-election by a great majority of the freeholders of *Middleſex*, ſee the ſequel. I will only obſerve here, that in the year 1773, of 352 members, all but 50 were for reverſing the determination of the *Middleſex* election by a bill to regulate the rights of election [b].

The mention of Mr. *Wilkes*'s expulſion, and re-election, calls up that of Mr. *Adams*, a member of the aſſembly of *Barbadoes*, who, *A. D.* 1762, was proſecuted, fined, and impriſoned for reſiſting the ſheriff in the execution of his duty. The aſſembly expelled him. He was re-elected—re-expelled. His electors inſiſted, that *they*, and not the aſſembly were the judges of the fitneſs of perſons to repreſent them; and there was no law, by which Mr. *Adams* was diſqualified for a *repreſentative* merely for his having reſiſted the ſheriff, though there was for puniſhing him otherwiſe, which puniſhment accordingly he had ſuffered. Mr. *Adams* was then formally diſqualified by act of governor, council, and aſſembly. He appealed to the king. His diſqualification was reverſed, with a declaration, that it was arbitrary, and contrary to the ſpirit of the *Britiſh* conſtitution [c]. But this by the

[a] *Alm.* Deb. Com. v. 6.

[b] Whitehall Even. Post, *Apr.* 24, 1773.

[c] Lond. Mag. 1769, p. 133.

the way. To return: In the caſe of the printers, who publiſhed the debates of the houſe of commons, *A. D.* 1771, and were proceeded againſt by that houſe, it did not appear, that they had any legal authority for apprehending, or committing; for, though they obtained a royal proclamation againſt the offenders, they could not, or, however, *did not* oblige them to appear before them. On the contrary, the lord mayor and aldermen of *London* protected the printers, and obliged the perſon, who apprehended them, to find ſecurities to anſwer for his offence. And the printers *continued* to publiſh the debates. One of the aldermen wrote to the ſecretary of ſtate an account of his proceeding. And the accuſed printer ſent the ſpeaker the opinion of council upon the houſe's proceeding and the royal proclamation, *viz.* That both were illegal, unconſtitutional, and void. On that occaſion, authorities were brought from hiſtory and law in juſtification of what was done by the lord mayor and aldermen in oppoſition to the houſe of commons as follows.

Burnet, in his HISTORY of his OWN TIMES, relates, That the commons ſent their ſerjeant to bring before them many of the abhorrers; which brought their authority for puniſhing any others beſides their own members, into queſtion, becauſe they cannot receive an information upon oath, nor proceed againſt thoſe, who refuſe to appear before them. Many refuſed to obey their ſummons; it being found, that the practice was no older than the days of queen *Elizabeth*. Again, the oath of every alderman obliges him to keep up the franchiſes of the city; one of which, granted by *Edw.* III. in parliament is, That no ſummons, attach-

ment, or execution be made in the liberty of the city, by any king's officers [conſequently, I ſuppoſe, much leſs by the officers of the lower houſe of parliament] 'but only by miniſters [officers] of the city.' The charter of *Edw.* IV. gives to the corporation of *London*, the whole and excluſive 'execution of all 'warrants, with the return of the ſame, by ſuch their 'miniſter, or deputy, whom they ſhall thereunto uſe.' And by 2 *Will.* and *Mary* the corporation of *London* is confirmed in all its privileges and franchiſes; of which it is not, on any pretence whatever, to be deprived, &c. [a]

Why does not the houſe of commons let the people *know* their privileges? Why are not thoſe privileges eſtabliſhed by *law?* When they think themſelves offended, why do they not proſecute the offender in a legal and *conſtitutional* way, which would ſtop all reflection upon them? The *king*'s cauſes are tried in the courts of juſtice by judge and jury, who are *indifferent* perſons. Why is any individual, or any aſſembly of men whatever to be *judge*, *jury*, and *executioners* in their own cauſe?

The lord mayor and alderman *Oliver* were afterwards committed to the Tower by the houſe of commons, who refuſed to hear their defence by council. Alderman *Wilkes* was ordered to attend the houſe, but he ſent the ſpeaker a direct refuſal, becauſe he was not ſummoned as a member, to anſwer in his place.

This whole proceeding of the houſe of commons, was condemned by many both within and without doors. And it may be affirmed, that the people of *England* will never, while a ſpark of the fire of liberty remains, be reconciled to an aſſumed power in *repreſentatives*

[a] Lond. Mag. *March*, 1771, p. 159.

ſentatives to impriſon their *conſtituents* without tryal by *jury*.

It has been ſaid, 'How are the commons to obtain 'the informations neceſſary for making laws, or en- 'quiring into the conduct of miniſters, if they can- 'not *oblige* perſons to *attend?*' The anſwer is, They certainly cannot, and therefore *ought* to have a power of compelling attendance as the *courts* have. But this has nothing to do with their aſſuming a power of impriſoning thoſe who *do attend*, or would if their attendance was required for any other purpoſe than that of *puniſhing* them. In fact, no inconvenience could ariſe, but, on the contrary, great advantage, from every court's giving up what the king muſt give up, *viz.* The claim of judging and puniſhing pretended contempts, or other offences, againſt *themſelves*. It is a whimſical part of our political œconomy, that, if any perſon, or body of the ſubjects offends the houſe of *commons*, they take the matter into their *own* hands, and puniſh with fine and impriſonment. But if a miniſter has offended againſt the *people*, the commons can only impeach him before the *upper* houſe. The commons *themſelves* puniſh offences againſt *themſelves*; which one would rather ſuppoſe they would refer to *others*; and they refer to *others* the puniſhment of offenders againſt the *people*, whoſe guardians they are, which one would rather ſuppoſe they would keep in their *own* hands. The truth is, the proper function of the houſe of commons is twofold, *viz. Inquiſitorial*, and *legiſlative*; but they are ever running into the *executive*, which is no part of their office.

It was argued, in defence of the lord mayor, on the ſame occaſion, That the *courts* of law have power

to enquire into the acts of the *highest* authority. 'If 'the *king* himself exercises any act of power not con-'formable to *law*, the *courts* will *remedy* it.' Lord chief justice *Holt*, on another occasion of the same kind, insisted, 'That if what the house of commons 'called a contempt, was not really such, the person 'committed must be discharged by the court of king's 'bench or common pleas;' and in this opinion he was supported by the lords. The same celebrated judge held, that the vote of the house of commons forbidding any one to seek a legal remedy against their orders, was illegal, and he accordingly discharged the persons committed for contempt of that order [a].

Hakewel [b] brings many instances of persons punished for serving members with subpœnas, writs, &c. while the house was sitting. Prosecutions against members were commonly stopped by letters issued from the house. Members were by privilege exempted from serving as jurymen. He brings also a multitude of instances of members servants, &c. being set at liberty from arrests [c]. *A. D.* 1640, the time of privilege was 16 days exclusive before parliament, and 15 days inclusive after [d].

Privilege of parliament extended not only to the persons of members, but to their cattle and other goods [e].

Mr. *Arthur Hall*, *A. D.* 1580, was committed to custody of the serjeant, for publishing conferences of the house; and afterwards to the Tower for 6 months, expelled

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[a] See LONDON MAG. *April*, 1771.
[b] MOD. TENEND. PARL. 88.
[c] Ibid. 97. [d] Ibid. 109.
[e] *Hales's* POWER OF PARL. 28.

expelled the houſe, and fined 500 *l.* [a] He refuſed to retract, and was for ever diſabled to ſit in parliament.

I am afraid of tiring the reader by enumerating inſtances of ſuch parliamentary proſecutions, as may be ſaid to be frivolous, or arbitrary. A well conſtituted and upright parliament will have but little occaſion to proſecute for diſreſpectful ſpeeches; for no body will ſpeak diſreſpectfully of an aſſembly of men, who ſhew themſelves ſolely and ſincerely attached to the *public* good. Or if any perſons ſhould be ſo raſh and malignant, the general hatred or contempt, which they will certainly draw down upon their own heads, will *ſuperſede* all uſe of proſecution by the offended perſons. Or if proſecutions be neceſſary, let proſecution be commenced (as when offence or injury are committed againſt the *king*) in the *courts* of law; and let the accuſed be tried according to the *known* laws of his country, and be acquitted or condemned by the verdict of a *jury*. All other modes of trial are violations of the conſtitution.

The collection made by *Petyt*, in his MISCEL. PARL. of parliamentary proſecutions on account of diſreſpectful ſpeeches, makes our anceſtors appear mean-ſpirited. *John* ſuch-a-one wiſhed that the devil would take the parliament. *Thomas* ſuch-another ſaid, the parliament was carrying on works of darkneſs. A third ſaid, he was not afraid of the pillory. What then? Was it not infinitely beneath the magnanimity of a ſupreme legiſlature to take notice of ſuch trifles? This recals to my memory an old preſentment by an inqueſt; 'We ſayen, that *John Stevens* is a man, we 'cannot tell what to make of him; and he hath books, 'we do not underſtand them.'

[a] *Hakewel*, MOD. TENEND. PARL. 72.

CHAP. VI.

Of excluding the People from the Houſe of Commons, and puniſhing thoſe who publiſh the Speeches made there.

ANOTHER conſequence of the inadequate ſtate of parliamentary repreſentation, and of too long parliaments, is, a dangerous power aſſumed by the commons, of clearing their houſe, and excluding their conſtituents from the ſatisfaction of knowing how their deputies behave themſelves, and whether they conſult the public intereſt, or play the game into the hands of the miniſtry. Upon the ſame principle they found the practice of puniſhing all perſons, who publiſh any ſpeeches made in their houſe.

As to the houſe of lords, ſuppoſing it once granted, that it is wiſe to allow any ſet of men a power of conſulting for *themſelves*, without regard to the *public*, and putting a *negative* upon the moſt ſalutary national propoſals, if thought by *them* likely to entrench upon *their* particular privileges (a point, the proof of which I ſhould be ſorry to have impoſed on me) ſuppoſing, I ſay, a houſe of lords upon the foot of the *Britiſh*, it follows, that they have a right to exclude all, but peers, from their deliberations; becauſe they are doing their *own* buſineſs, and not the public; they are acting for *themſelves*, and are principals, and not deputies.

But ſurely the faithful repreſentatives of the *people*, cannot dread the *people*'s knowledge of their proceedings in the houſe. An ariſtocracy of perſons, whoſe intereſt may be different from that of the people, a court of inquiſition, or a *Venetian* council of Ten, might

might be expected to shut themselves from the sight of the people, but not a house of representatives assembled, by the people's order, to do the *people*'s business. How are the people to know which of their delegates are faithful, and ought to be trusted again, or which otherwise, if they are to be excluded the house?

Even in the house of peers, this custom has been blamed.

'It is not, my lords, said the earl of *Chesterfield* on 'this subject, *A. D.* 1740, by excluding all sorts of 'strangers that you are to preserve the antient dignity 'of this assembly: it is by excluding all manner of 'quibbling, impertinence, deceit, weakness, and cor-'ruption. These, I hope, are strangers here: I hope 'your lordships will take care never to admit any one 'of them within these walls; but by excluding other 'strangers, when you have nothing of a secret nature 'under consideration, you will only raise a jealousy 'of the dignity of your proceedings; and if this jea-'lousy should become general, without doors, you will 'in vain seek for respect among the people [a].'

There were many strangers in the gallery of the house of peers, on occasion of the enquiry into lord *Peterborough*'s conduct in *Spain*, *A. D.* 1711. A motion was made to clear the gallery. But the duke of *Buckingham* opposed it, and they were suffered to stay [b].

The commons, *A. D.* 1714, having cleared their house of all strangers, not excepting *peers*, it was moved in the house of peers, that the house be cleared of all strangers, not excepting members of the house of commons. The duke of *Argyle* opposed the shutting of the house of peers, and said, it was for the honour of

[a] Deb. Lords, vii. 590. [b] Ibid. ii. 283.

that auguſt aſſembly, to ſhew that they were *better bred* than the commons [a].

Hakewel ſays [b], the commons finding perſons in their houſe who had no right to be there, have obliged them to take an oath, that they would keep *ſecret* what they had heard.

'Of right the door of the parliament ought not to 'be *ſhut*, but to be kept by porters, or king's ſerjeants 'at arms, to prevent *tumults* at the door, by which 'the parliament might be hindered [c].'

It was common in former times for the *members* themſelves to *publiſh* their ſpeeches made in the houſe. Accordingly there are extant to this day, many of them in pamphlets of thoſe times, and in *Ruſhworth*'s, *Nalſon*'s, and other collections. In our times it is puniſhable to publiſh any of their doings, though they do not *themſelves* publiſh them, and the very gallery is cleared, that we may not know which of our *deputies* is *faithful* to us, nor which *betrays* us.

The order of the houſe of commons againſt printing the ſpeeches was made, *A. D.* 1641 [d], in *times* which our courtly men will hardly allow to be of good *authority*. The order itſelf is not juſtifiable upon any principles of *liberty*, or of *repreſentation*, unleſs the debates were regularly *publiſhed* by the *members*. For *publiſhed* they *ought* undoubtedly to be; if *delegates* ought to be *reſponſible* to their *conſtituents*. My lord mayor, therefore, and Mr. alderman *Oliver* were ſeverely dealt with in being ſent to the Tower, *A. D.* 1771,

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[a] *Tind.* CONTIN. I. 345.
[b] *Hakewel*, MOD. TENEND. PARL. 86.
[c] Ibid. p. 23.
[d] *Alm.* DEB. COM. IX. 274.

1771, for defending the printers in doing only what ought to have been done by the *members*.

Sir *Edward Dering*'s ſpeeches were publiſhed by himſelf, *A. D.* 1641.

'Reſolved, That they are againſt the *privilege* of the 'houſe, and ſhall be burnt by the hangman in *Weſt-* 'minſter, *Cheapſide*, and *Smithfield*; himſelf *diſabled* 'during the parliament, and to be *impriſoned* in the 'Tower, during the pleaſure of the houſe.' He was releaſed, however, in a few days [a].

A. D. 1720, the proprietors of the redeemable funds being diſcontented, petitioned to be heard by council againſt a bill then before the houſe. They went in conſiderable numbers to the lobby, to wait the event. The juſtices were ordered to clear the paſſages. They read the riot-act. On which occaſion, ſome of the petitioners ſaid, It ſeemed to them a ſtrange proceeding, to treat a ſet of *peaceable* ſubjects, people of *property*, who attended the houſe to complain of grievances, as a *riotous mob*; and that the commons firſt *picked* their *pockets*, and then ſent them to *jail* for *complaining*.

Whatever has been advanced in ſupport of printing the Votes and Journals, is equally ſtrong againſt clearing the houſe. The houſe of commons is the *people*'s houſe, where the *people*'s deputies meet to do the *people*'s buſineſs. For the *people*'s deputies, therefore, to ſhut the people out of their *own* houſe, is a *rebellion* of the *ſervants* againſt their *maſters*. That the members of parliament are, according to the *conſtitution*, ſervants, is manifeſt from the notorious fact of their conſtantly receiving *wages* for many centuries together, which members, accordingly, forfeited by abſence, neglect,

[a] PARL. HIST. x. 267.

neglect, &c. 'Who sent us hither?' (says Sir *F. Winnington*, in the debate upon this subject, *A. D.* 1681.) 'The privy-council is constituted by the *king*; but the 'house of commons by the choice of the *people*. I 'think it not natural, nor rational, that the *people* 'who *sent* us hither, should not be *informed* of our 'actions.[a]' Suppose the directors of the *East-India* company were to shut out the proprietors from their house, and then *dispose* of their *property* at their pleasure, defying all *responsibility*, how would this be taken by the *proprietors?* The excluding the people from the house of commons, and punishing the publishers of their speeches, is precisely the same incroachment on the people's rights; only so much the *more atrocious* in consideration of there being no regular *appeal* from parliament, whereas there is from the directors of a trading company.

Sir *John Hartop* moved, *A. D.* 1681, that the votes might continue to be printed[b]. A motion for printing the votes, *A. D.* 1688, passed in the negative[c]. The votes of the commons were ordered to be printed, *A. D.* 1690[d]. The gallery and speaker's chamber were cleared of *strangers*, on occasion of the prosecution of Mr. (afterwards Sir *Richard*) *Steele*, *A. D.* 1713[e]. Resolutions were made, *A. D.* 1742, to print the journals of the house of commons, which begin with *Edw.* VI.[f], to the number of 30 volumes, 1000 copies; which is done accordingly; I know not whether begun at that time, or afterwards. For *A. D.* 1752, 'the house came to a resolution to print their 'Journals, which had hitherto been in manuscript.[g]' There

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[a] Deb. Com. II. 105. [b] Ibid. 104. [c] Ibid. 201.
[d] Ibid. 375. [e] Ibid. v. 67. [f] Ibid. XIII. 264.
[g] *Alm.* Deb. Com. v. 34.

There was a long debate about printing the proceedings and debates of the houſe, *A. D.* 1738, in which it was obſerved, that it is a hardſhip for members to have their ſentiments *miſrepreſented* and *falſified* in News-papers and Magazines, &c. But Mr. *Pulteny* ſaid, 'Parliaments, when they do any thing *amiſs*, 'will be talked of with the *ſame* freedom as any *other* 'ſet of men whatever. This parliament, I hope, will 'never deſerve it; but, if it did, I ſhould be very 'ſorry, that any reſolutions were entered into, in 'order to prevent its being repreſented in the preſent, 'or the next age, in its *proper* colours. Whatever 'the other houſe may do, I hope, we ſhall never '*ſtretch* our *privilege* ſo far, as to *cramp* the *freedom* 'of writing on public affairs [a].'

There was a pamphlet at this time aſcribed to *Walpole*, which contained a hiſtory of queen *Anne*'s tory parliament. This publication *Walpole* defended, becauſe that parliament *deſerved* to be diſgraced. But who ſhall decide which parliament *deſerves* to be *diſgraced*, and which to be *honoured*. The ſure way, in all events, is, to admit as *many* ſtrangers as the galleries will conveniently hold; that the members order *genuine* copies of their ſpeeches to be *publiſhed*; of which authenticity the *hearers* in the galleries will be able to *judge*; and then no *ſpurious*, or *unauthenticated* publications of ſpeeches will be *received* by the people; becauſe they will certainly chooſe to read thoſe whoſe authenticity is eſtabliſhed by a cloud of *witneſſes*.

[a] Deb. Com. x. 278—287.

CHAP. VII.

Of Abſentees from the Houſe, and Members neglecting Parliamentary Buſineſs.

ANOTHER evil ariſing from the miſerably inadequate ſtate of repreſentation and conſequent contempt, which members acquire for their conſtituents, is, their taking the liberty of *abſenting* themſelves for frivolous or no reaſons, and of attending very *careleſsly* to the buſineſs of the nation, when they come to the houſe. Did a gentleman recollect, that at his election he received an *aweful charge* from an *auguſt* meeting of 5000 of his countrymen, and gave a ſolemn *promiſe* ſealed with the religion of an *oath* to be *diligent* and *faithful* in diſcharging the momentous truſt then committed to him, and did he know, that thoſe who *employed* him, would *cenſure* him publicly, if they found, that he did any body's buſineſs in parliament but *theirs*; he would tremble at the thought of trifling with ſo ſacred a function. But when a youth juſt come from *Oxford*, remembers, that he was elected (as it is called) by a few *drunken idiots* in a paltry *borough*, and carried round the town in an old oaken chair, and that he has his place as he has his eſtate, or that he gave every voter *five guineas*; it is no wonder, that he conſiders the whole as a very paltry *farce*, which he may *attend* to, or *neglect*, as he *pleaſes*.

It is ſuppoſed that members of parliament have often done the buſineſs of a corrupt *court* by *ſeaſonably* playing *truant*. Thoſe gentlemen ſhew themſelves not abandoned to all ſenſe of ſhame. When the public has been betrayed by a villainous vote for an augmentation

mentation of the army, or an extenſion of the exciſe laws, they did not vote *wrong*, they cry; they were not *there*. But *why* were they not there, to vote right, and endeavour to make others vote right? Why were they not upon *duty*, taking care of their *country*? Ah! if a man loves his young and beautiful wife, and regards his honour, he will not leave her in the hands of a known rake; or if he loves his *money*, he will not leave his ſtrong box open to a thieviſh ſervant [a]. No more will a gentleman, who loves his *country*, leave her in the hands of unknown perſons, who may betray her. Do gentlemen conſider of what conſequence a *few* votes may be?

The oath in favour of paſſive obedience and non-reſiſtance was rejected by only *three* votes. The bill, *A. D.* 1692, for totally diſqualifying placemen for ſitting in the houſe of commons (the beſt bill, ſurely, as to its object, that ever was brought into the houſe) was rejected by only *two* votes. The famous amendment by the lords to the bill of *Jan.* 27, 1702, by which amendment it was made high treaſon to attempt to ſet aſide the proteſtant ſucceſſion in the houſe of *Hanover* in caſe of queen *Anne*'s leaving no poſterity, was carried by only *one* vote, 118 to 117 [b]. I have been told, that a member of that parliament, who was infirm and gouty, but proved *faithful* to his country in *attending* at the hazard of his *life*, often mentioned his own proceeding on that occaſion with *pleaſure*, and particularly on his *death-bed*.

The ruinous act in favour of the *French* trade, *A. D.* 1713, was thrown out by only *nine* votes, *viz.* 194 againſt 185 [c]. Only 9 true *Engliſhmen* in the houſe!

[a] See CATO's LETT. No. 99.

[b] DEB. COM. v. Append. 110. [c] Ibid. v. 40.

In the end of queen *Anne*'s reign, a place-bill was loſt in the houſe of peers for want of *one* vote, while one of the lords, who had two proxies in his pocket, was buying a penknife.

The act, *A. D.* 1728, by which a fine of 500*l.* is enacted for aſking, or receiving, by himſelf, or another, money, or other reward, by way of gift, loan, or device, &c. for voting, or declining to vote at elections of members of parliament, was carried by only *two* votes, *viz.* 91 to 89.

The motion, *A. D.* 1741, for enquiring into the conduct of affairs in *Walpole*'s 20 years reign, was carried in the negative by two votes, 244 to 242.

'How often, while the *merits* of a conteſted election 'have been *trying* within theſe walls, have the benches 'been almoſt *empty?* But the moment the *queſtion* 'approached, how have we ſeen the members eagerly 'croud to their ſeats, and then *confidently pronounce* 'upon a ſubject, on which they had not heard a *ſyl-* 'lable, but in *private* from the *parties* [a].' To ſuch a mockery have we reduced the moſt *important* of all earthly things, I mean parliaments. After turning them, in this manner, to a *farce*, after laying aſide all that was *uſeful* to the *people* in them, what ſtep are we moſt likely to take next, but to lay *parliaments* themſelves aſide?

Our anceſtors were ſenſible of the evil of abſenting, and therefore they made laws for *puniſhing* delinquent members by mulct [b]. So among the *Romans*, abſentees from the ſenate, without ſufficient cauſe ſhewn, were fineable, and obliged to give ſecurity for payment.

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[a] Speech of a member, Lond. Mag. *May*, 1770, p. 180.

[b] Parl. Hist. i. 396.

ment [a]. By 7 *Edw.* I. ſtat. 1. 'To all parliaments 'and treatiſes' [treaties, or meetings for public buſineſs] 'every man ſhall come without force of arms [b].' See the 5th ſtat. *Rich.* II. cap. 4. 'That every one, 'to whom it appertaineth, ſhall, upon ſummons, 'come to the parliament [c].' By 7 *Hen.* VIII. cap. 16. 'No knights of ſhires, nor burgeſſes ſhall *depart* 'before the end of parliament. [d]' [N. B. We ſhould ſay, before the end of the *ſeſſion*. But in thoſe times every ſeſſion was a parliament.] The penalty was loſs of wages. A call of the houſe, *A. D.* 1641, with ſevere penalties for abſentees. Orders and reſolutions for putting the kingdom in a ſtate of defence [e]. A call of both houſes, *A. D.* 1647, 240 commoners were abſent [f]. A fine of 20 *l.* ſet on thoſe whoſe excuſe was not allowed by the houſe. 'Reſolved, *A. D.* '1709, that ſuch members as abſent themſelves with-'out leave, be reputed *deſerters* of their *truſt*, and *neg-'lectors* of the *duty* they *owe* to the *houſe* and to their 'country [g].'

Thus we ſee, inadequate repreſentation, and long parliaments produce in our members of parliament a contempt for the *people*; neglect of *inſtructions*, and refuſal of *reſponſibility*; put families upon ſetting up for legiſlators from *generation* to *generation*, ſo that *ten* perſons in one family may be members at the ſame time, and it has been found, that individuals have ſate 30, 40, and 50 years in the houſe. Inadequate repreſentation is one cauſe, why the members cannot be ſuppoſed even to *know* the ſenſe of the people, as they

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[a] *Cic.* De Legib. III. *Liv.* III. 38.
[b] Stat. at Large, I. 82. [c] Ibid. 333.
[d] Ibid. 698. [e] Parl. Hist. IX. 298.
[f] Ibid. XVI. 317. [g] Deb. Com. IV. 139.

they are not chosen by the generality of the people; but by a *handful*. Inadequate representation deprives the greatest part of the people, both in number and property, of their *weight* in legislation, and gives it up, as a *monopoly*, into the hands of a few. It is the original cause of the commons assuming exorbitant *privileges* to the disadvantage of the people; of their *prosecuting* and imprisoning their constituents; of *concealing* from the people, their creators, the *transactions* of their house; of their *absenting* themselves and *neglecting* the business of the *nation*, &c.

BOOK V.

Of Parliamentary Corruption.

CHAP. I.

Of the Origin, Funds, and Materials of Corruption.

TWO weakneſſes in human nature have produced bribery, corruption, and many other wicked arts; I mean, the love of *power*, and the love of *money*. In antient times men in ſuperior ſtations were drawn into many of their bad practices by the *former*. The latter is *our* diſeaſe, and a louſy diſeaſe (I aſk the reader's pardon) it is. For if there be a vice incompatible with any degree of *magnanimity*, greedineſs of money is that vice.

It is difficult to exclude corruption. Where there is any thing worth ſtriving about, ſuch creatures as men commonly are, will uſe indirect means for attaining it.

Undue influence in elections for offices prevailed at *Rome* ſo early as the 458th year from the building of the city [a]. Which occaſioned the making a law to prohibit canvaſſing for votes.

But the *difficulty* of excluding corruption is no *reaſon* for giving over all *endeavours* to aboliſh it; any more

[a] ANT. UNIV. HIST. XII. 44, 114.

more than the *difficulty* of living a *virtuous* life amidſt the various temptations, to which our frail nature is expoſed, is a reaſon for our giving over all endeavours to regulate our conduct by the ſtrict laws of *morality*. On the contrary, we *muſt reſolve* to live a life of virtue, however *difficult* it may be, or we are *undone* as *individuals*; and we muſt root corruption out of the ſtate, or we are undone as a *nation*.

Ariſtotle [a] obſerves, Ου γαρ απορoι, κ. τ. λ. That men in *low* circumſtances did not, in his time, aſpire after places of power and truſt, becauſe they were *unprofitable*, and they could not afford to neglect their own private affairs, to attend on the *public*; and that men of *fortune* only could properly fill thoſe employments, becauſe they were under no temptation to plunder their country. In our times, who have no idea of ſerving the public for *nought*, we ſee all men, *rich* and *indigent*, ſtriving who ſhall obtain the greateſt ſhare of the public offices, becauſe they are all *lucrative*, and thoſe whoſe fortunes are the *largeſt*, find them ſtill too *ſmall* for their *extravagance*, which produces the continual *ſcramble* we ſee.

The *Poliſh* nobleſſe conſider their votes, for king, in the ſame manner as the inhabitants of our rotten boroughs do theirs for members of parliament, that is, as part of their *fortune*. But the *wickedneſs* of our electioneering is tenfold beyond that of the *Poles*. For it is no great matter who is king of *Poland*; becauſe he has no *power* to do *miſchief*; whereas our parliament has a power ſo *tranſcendent*, ſays judge *Blackſtone*, that it is impoſſible to fix its *limits*. Therefore, to vote for a candidate, who gives a *bribe*, is ſelling our country to a man, who has *proved* himſelf a *knave*, and

[a] Polit. v. 8.

and giving him power to do infinite miſchief, for which he is not *reſponſible* or *puniſhable*.

Bad miniſters, in our times, thruſt themſelves into power chiefly with a deſign of filling their *pockets*, and advancing their families and friends. And it is much to be lamented, that there is ſuch ample *opportunity* for them to gratify their exorbitant deſires. It is univerſally allowed, that a *Britiſh* miniſtry has the diſpoſal of *ſeveral millions* annually of the public money. And the reader may judge what opportunity there muſt be for them to chip off fragments and corners from ſuch prodigious maſſes, without the public's being ever acquainted with facts in ſo particular a manner as to *convict* a miniſter, or his tools, of the plunder they have committed.

As parliament is the natural *check* upon the wicked meaſures of *kings* and *courts*, parliaments muſt be *managed* to obtain their *connivance* at the proceedings of kings and courts. Therefore in former times the court not being poſſeſſed of the neceſſary funds, *wheedled*, or *bullied* them; now they make uſe of (what they think the ſurer means, *viz.*) bribing and *buying* them. And our miniſters, ſince the revolution, have carried this liberal art ſo far, as to ſtudy *no other* ſyſtem of politics, or government, than finding out *proper* men for their purpoſe, and filling the houſe of *commons* with them; and the whole difference between one miniſtry and another, is that one junto has a *better* knack at *managing parliaments* than another.

The chief materials, by which a miniſter keeps up an aſcendency in parliament, are, 1. The prodigious ſums of public *money*, of which he has the diſpoſal. 2. The innumerable *places* in the cuſtoms, exciſe, ſalt-duty, &c. and in the navy, army and church, the

the greateſt part of which are at the diſpoſal of the miniſter.

Latter times have thrown into the miniſterial ſcale a weight *unknown* to former ages; I mean the *national debt*. The *anxiety* of the public creditors, the proprietors of the funds, about public *credit*, is a powerful cauſe of their ſhewing a *reluctance* againſt all propoſals for ſalutary *alterations*, or *reſtorations*. But their reaſonings on this ſubject are not ſounder than it would be for the inhabitant of a crazy building to oppoſe all repairs, and to inſiſt, that the beſt way for *preventing* his manſion from coming in ruins upon his head, is to *let it fall*. Of which more fully hereafter.

The revenue of the *civil liſt*, which is nominally 800,000 *l. per annum*, but, by means of a demand from time to time of half a million to pay off its pretended deficiencies or debts, is really near a million (in the laſt reign it often exceeded a million) muſt throw a *prodigious power* into the hands of thoſe who have the diſpoſal of it.

A million *per annum* would maintain 200 dukes, at 5000 *l.* a year each, or 250 earls at 4000 a year each, or 1000 gentlemen at 1000 *l.* a year each. It would ſupport arts, manufactures, and commerce to the inconceivable advantage of the public, &c.

But the *civil liſt* revenue is not reckoned above one *third* part of what a miniſter has in his diſpoſal. It is not therefore to be wondered, that a miniſter has great influence in parliament. If one conſiders into how many purſes, of 100 guineas each, the prodigious ſum of three millions may be divided, at firſt glance one would conclude, that a miniſter could give ſuch a purſe to every man upon the iſland.

The royal prerogative has been greatly curtailed ſince 3 *Car.* I. the date of the petition of right. Star-

Star-chamber, and high commiſſion court aboliſhed, with martial law, and the prince's power of levying taxes without parliament; diſuſe of the foreſt laws; abolition of military tenures, purveyance, and pre-emption; the eſtabliſhment of the *habeas corpus* act; the act for frequent parliaments; the aſſertion of the liberties of the people by the bill of rights, and act of ſettlement; the excluſion of certain dependents on the crown from ſeats in parliament; the independency of the judges; the reſtraining of the king's pardon from being pleaded to parliamentary impeachments; the dependency of the crown on parliament, by its being ſtripped of its antient properties, &c.—theſe, and other entrenchments on the regal power and prerogative would ſeem ſufficient to clip the wings of kings, and miniſters, and to ſecure the ſtate againſt the innumerable evils of corruption. But what avail theſe ſeeming enlargements of our liberties, if we conſider (as even judge *Blackſtone* [a] himſelf, no unreaſonable complainer, obſerves) that though the *appearance* of court-power is taken away, the *reality* remains, and is perhaps *greater* than under *Jam.* I. only it ſhews itſelf now in the milder and leſs ſtartling ſhape of influence, inſtead of that odious and formidable one, of prerogative;—an influence, however, to conſiderate minds not the *leſs dreaded* on account of its apparent gentleneſs. Let it be conſidered, that our monarch's revenues being ſettled for life, a rapacious and corrupt court (for what do men generally propoſe by going into court, but filling their pockets?) has the diſpoſing of the greateſt part of a million a year, *civil liſt* revenue. Let it be conſidered, what a multitude of *officers* created by, and removeable at

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[a] COMM. I. 334.

the pleaſure of the court, are employed in raiſing 10 millions a year in taxes, cuſtoms, exciſes; commiſſioners, and innumerable officers in every port of the kingdom, nay at every creek into which a ſmuggling boat can be thruſt; commiſſioners of exciſe, and their numerous ſubalterns, in every inland diſtrict; poſtmaſters, and their ſervants in every town, and upon every public road; commiſſioners of ſtamps, and diſtributors; officers of the ſalt-duty; ſurveyors of houſes and windows; receivers of land-tax; managers of lotteries; commiſſioners of hackney-coaches; beſides frequent *accidental* opportunities of conferring favours, as by preference in *loans*, ſubſcriptions, *tickets*, *remittance* of public money, &c. which attaches thoſe moſt, whoſe attachment is the moſt deſireable to the court, I mean, the opulent, and *leading* part of the people; to which add the prodigious influence the court gains by having the power of *officering* an army of above forty thouſand men; to ſay nothing of the formidable *force* of ſuch a body of diſciplined men againſt a flock of ſheep, I mean the *helpleſs* people. This dreadful army, the court-ſycophants pretend is kept up only from year to year: but it is univerſally looked upon as on a footing equally certain with the army in *France*. Accordingly gentlemen bring up their ſons as regularly to the army, as to the church. Theſe forty thouſand men are paid by the *court*, raiſed by the *court*, officered by the *court*, commanded by the *court*. Add to all this, that the court muſt have innumerable ways of miſapplying the public money to the purpoſes of gaining undue influence, which even the moſt *faithful* and *upright* parliament could not *detect*. And what then muſt be the caſe, if we ſuppoſe *parliament* itſelf (the only conſtitutional *check* on a corrupt court) a *ſharer* in the plunder of the people,

and therefore interested to *conceal*, or connive at the ravages made by a profligate court.

'As we have annually increased our *funds* and our '*taxes*, we have annually increased the *power* of the '*crown*, and these funds and taxes being established 'and laid for *perpetuity*, or for terms equivalent to 'perpetuity in the sense here intended, this increase of 'power must not only *continue*, but still *increase*, as 'long as this system of œconomy subsists. How this 'increase of power arises from the increase of funds 'and taxes, and the influence of the crown grows in 'proportion to the burthen on the people, heavier; 'hath been explained so much in the debates on a 'late detestable occasion' [*Walpole*'s excise scheme] 'that the less needs to be said on the subject here. 'If we consider in the increase of taxes, first, the 'increase of *officers*, by which a vast number of new 'dependants on the crown are erected in every part 'of the kingdom, (dependents as numerous, and cer-'tainly more prevalent, than all the tenants and 'wards of the crown were antiently) and, secondly, 'the *power* given to the treasury and other *inferior* 'officers, on account of these taxes, which are at 'least as great and as grievous in this *free* government 'of ours, as any that are exercised in the most *arbi-'trary* government on the same occasions; if we con-'sider this alone, we shall find reason sufficient to 'conclude that, although the power of prerogative was 'more open and more *noisy* in its operations, yet the 'power thus acquired is more *real* and may prove 'more *dangerous*, for this very reason, because it is 'more covered and more *silent*. That men began to 'see, very soon after the revolution, the danger aris-'ing from hence to our constitution, as I said above, 'is most certain. No less than *seven* acts were made

'in king *William*'s reign to prevent undue *influence* 'on elections; and one of the acts, as I remember, 'for I have it not before me, is grounded on this fact, 'that the *officers* of the excise had frequently, by '*threats* and *promises*, prevailed on electors, and abso-'lutely *debarred* them of the *freedom* of voting. What 'hath been done, or attempted, since that time, in 'the same views, and what hath been done, or at-'tempted, both in the reign of king *Will.* and since, 'to prevent an undue influence on the elected, as 'well as on the electors, I need not recapitulate. 'They are matters of fresh date, and enough known. 'Upon the whole, this change in the state and pro-'perty of the public revenue hath made a change in 'our constitution not yet, perhaps, attended to suf-'ficiently; but such an one, however, as deserves 'our utmost attention, since it gives a power *un-*'*known* in *former* times to one of the three estates, 'and since public liberty is *not guarded* against the '*dangers* that may arise from this power, as it was, 'and now is more than ever, against the dangers 'which arise from the powers formerly possessed or 'claimed by the *crown* [a].'

'That the business of most kingdoms has been 'ill managed, proceeds from this; it imports the '*lower* rank of men only, and the *people* (whose cries 'seldom reach the prince, till it is too late, and till 'all is past remedy) that matters should be *frugally* 'ordered, because taxes must arise from *their* sweat 'and labour. But the *great* ones, who heretofore 'have had the prince's ear and favour, or who hoped 'to have him in their possession, were swayed by 'another sort of interest; they like profusion, as hav-'ing

[a] Dissert. on Parties, 223.

'ing had a proſpect to be gainers by it, they can 'eaſily ſet their account even with the ſtate; a *ſmall* 'charge upon their land is *more* than *balanced* by a 'great place, or a *large penſion* [a].'

See the lord keeper *North*'s account of abuſes in the conduct and diſpoſal of the public money in the time of king *Ch.* II. [b] Thoſe who, in our times, are the conductors of the ſame kind of dirty work, may compare the modern ingenious ways and means with thoſe of their worthy predeceſſors.

Among others, pretended want of money in the treaſury, in order to have a pretence for giving an exorbitant price for neceſſaries. Lending the crown at 8 *per cent.* money which was raiſed at 5 and 6. Paying with the public money, pretending it to be private, and taking intereſt. Depreciating the public debts and funds, buying them of the holders at half their worth, and afterwards by intereſt getting them paid in full. Pretending to give up all power in recommending to places for a conſideration, and then inſiſting on recommending ſtill, and ſo getting both ways. Rolling over loſſes upon the crown, or public, while the gain was to ſink into private pockets. A father ſtopping a large ſum in his own hand, which was to have been paid the public creditors. Before he can be brought to account, he dies. The money ſinks into the pocket of his heir. He obtains a pardon of all his father's debts. Groſs frauds in office found out. Then new offices and ſalaries ſet up as checks. The new prove as great knaves as the old, and form a ſcheme of colluſion and mutual underſtanding. But the public pays for all, and the power of the court is ſtrengthened. An old placeman begs

[a] *Daven.* II. 262. [b] *Dalrymp.* MEM. II. 84.

leave to ſell. Pockets the money, and by and by, through intereſt, gets a new place *gratis*. Extravagant men ſquander their own money in their public employments of embaſſadors, governors, &c. and charge the public with more than they have really ſpent, while what they really ſpent was 10 times more than neceſſary. The buſineſs of old offices transferred to new: but the profits of the old ſtill kept up, though become ſinecures. An old ſervant of the public retires upon a penſion. He who ſucceeds him, by intereſt, gets it continued to him. Another gets an addition to his ſalary, and then ſells his place for a great deal more than it coſt him, and ſo an additional load is laid on the public: for the addition muſt be continued, becauſe the place was bought. An annual ſum is granted by the public for a public uſe, as keeping up a harbour, or the like. A private man, by intereſt, gets a grant of the jobb; the public concern is neglected, and the public pocket picked. Crown lands perpetually begged and given away to ſtrengthen the court intereſt. The crown conſtantly kept in debt, and parliament ſolicited to pay thoſe debts occaſioned merely by the voracity of the court. Commanders of fleets order a ſuperfluous quantity of ſtores. By colluſion between them and the ſtore-maſters, this ſuperfluous quantity is ſold again to the king, and the money ſunk in their pockets. Sometimes the ſtore-maſters gave receipts for more than was received into the king's ſtores, and the money was divided among the plunderers. The king's works done by the day, whereas it would have been cheaper by the great. Money pretended to be coined *gratis*. Liſts of large ſums newly coined produced. But the contrivance was to make the pieces unequal, and then the too heavy pieces were carried back

back to the mint, and the profit ſunk in private pockets, &c.

Secret ſervice is a huge cloke thrown over an immenſe ſcene of corruption; and under this cloke we muſt not peep. Our court-men tell us, there muſt be large ſums expended in this way, and thoſe ſums cannot be accounted for; becauſe the *ſervices* done for them muſt never be *known*. But we find, that the commons, *A. D.* 1708, addreſſed queen *Anne* for accounts of penſions paid for *ſecret ſervice* to members of parliament, or to any perſons in truſt for them; and that 'the queen *ordered* ſaid account to 'be *laid before the houſe* [a].'

Contracts are a great fund of miniſterial influence. It is well known, that our miniſtry do not accept the moſt *reaſonable* offer; but the offer which is made by thoſe, who have the greateſt *parliamentary* intereſt; and that in war time, every man, who *furniſhes* for the *government*, is *enriched*; in *France* the *contrary*; which ſhews, that we manage our public money much *worſe* than the *French* miniſtry do theirs. In the late war it is notorious, that ſeveral of our *purveyors* and *commiſſaries* got eſtates ſufficient to ſet them up for earls and dukes. But as *Burnet* [b] ſays, 'the regard, that is 'ſhewn to members of *parliament* among us, cauſes 'that few *abuſes* can be *inquired* into, or *diſcovered*.'

As to lotteries, if 'a miniſter has it in his power 'to give the ſubſcription of 4 or 500 lottery tickets 'every year to ſingle members, he has an annual 'means of bribing the houſe without danger of detec-'tion [c].' It was alledged in the houſe of commons

[a] Deb. Com. iv. 119.
[b] Hist. own Times, iii. 279.
[c] Deb. Com. ix. 282.

by Mr. *Seymour*, that in the lottery of 1769, 20,000 tickets had been diſpoſed of to *members* of *parliament*, which ſold for near 2 *l.* premium each [a]. This was a ſcramble of 40,000 *l.* among the members at one daſh. We need not wonder, that lotteries are a *favourite* ſpecies of ways and means. Mr. *Seymour*, *A. D.* 1771, moved, that the names of the ſubſcribers to the then preſent lottery ſhould be laid before the houſe.

In a committee on the lottery-bill, Mr. *Cornwal* moved for leave to bring in a bill to prevent any *member*'s having more than 20 tickets, in his own name; and that thoſe, who had ſubſcribed for more, ſhould refund into the exchequer the ſums ſo gained by them [b]. He obſerved, that 200 annual tickets put 400 *l.* a year into the pocket of a member, which is better than 800 *l.* a year by a *place*; becauſe it did not expoſe him to the expence of being *re-elected*, nor to expence, or duty, attending the place [for *ſome* places are not ſinecures].

CHAP. II.

Of Corruption in Elections.

OUR courtly gentlemen labour to perſuade us, that parliamentary corruption has never been that *formidable* evil our patriots have repreſented it. Facts are ſtubborn. They will ſpeak; and they will not always ſpeak as our ſleek courtiers would wiſh them. If they will ſpeak, let them ſpeak. *Magna veritas, et prævalebit.*

Mini-

[a] Deb. Com. ix. 292. [b] Ibid. 299.

Miniſterial artifice, for corrupting parliaments, has been applied in two ways, 1. To *over-ruling elections*, and 2. To *byaſſing* the votes of *members* in the *houſe*.

To ſhew the good people of *Britain* how their great and weighty concerns are managed, I will give a brief account of ſome remarkable controverted elections, and facts relating to that ſubject, which have occurred to me in the courſe of my reading, with reflections.

'The duty of a member of parliament' (ſays the brave *Lucas* of *Ireland*) 'is infinitely the *moſt important* that can devolve upon a ſubject [a].' Mr. *Locke* [b] ranks it among thoſe breaches of truſt in the executive magiſtrate, which amount to a *diſſolution* of *government*, 'if he employs the force, treaſure, and 'offices of the ſociety to *corrupt* the *repreſentatives*, 'or openly to *pre-engage* the *electors*, and preſcribe 'what manner of perſons ſhall be choſen. To 'regulate candidates and electors, and new model the 'ways of election, what is it, but to *cut up* the *govern-* 'ment by the *roots*, and poiſon the very fountain of 'public ſecurity.'

'Some call the attendance in parliament a *burden*,' ſays Sir *Thomas Littleton* [c]. 'If it be a burden, it is 'ſuch a burden as ſome men ſpend a great part of their 'eſtates for, as if it was a *privilege*.'

In modern times, every body is ruſhing into the houſe of commons. In former days, it was a privilege to be exempted from the burden of being elected, or contributing to the wages of members [d]. Does not this fact alone demonſtrate, that thoſe

[a] Lond. Mag. 1767, p. 565.
[b] On Gov. p. 2. § 222.
[c] Deb. Com. iii. 381. [d] See *Elſynge*, 79.

who ſtrive to get into the houſe, intend the filling of their pockets merely? It was as much, and more, an *honour* to be in parliament in former times, than in ours; but it was not ſo *lucrative*. Does any man *buy* without a view of *ſelling?* And how are the buyers of ſeats in parliament to re-imburſe themſelves; but out of the plunder of a wretched and almoſt bankrupt nation? 'D—n you and your inſtructions too,' (ſaid a worthy member in anſwer to his conſtituents recommending to his attention the public intereſt) 'I have *bought* you, and I will *ſell* 'you, by G—.'

Candidates for ſeats in the houſe of commons pretend that they lay out their thouſands in electioneering, in order to obtain—not a place or a penſion—but *honour*, and an opportunity of *ſerving* their *country*. But do they ſeriouſly expect any man to believe this, who ſees them trampling upon honour and honeſty, bribing, gambling, rooking? Is that honour worthy of the name, which is got by the moſt diſhonourable means? Is it *ſerving* our country to *debauch* our country? When thoſe men get into the aſſembly of legiſlators, what do they for their country? What *grievances* have been *redreſſed* by the innumerable multitude of members of parliament, who have, ſince the revolution, obtained ſeats in the houſe by *unwarrantable* means? What greater grievance can be imagined than the continuance of this ruinous practice? I ſay nothing of *damnation*, as a conſequence of debauching a whole people, and promoting the intereſt of the enemy of mankind in the world; though I might ſay, that our bribing candidates ought, upon every *prudential* principle, to be *abſolutely certain* that no ſuch conſequence can follow; and that either there is no future ſtate, or that men are not accountable for their actions, and

that

that their moral characters are (as *Epicurus* and *Lucretius* teach) entirely indifferent to the Supreme Governor of the universe. But of this more hereafter.

James I. at his accession proposed, that undue elections and returns should be punished by fine. For gross and wilful neglect, the place to forfeit its liberties to the crown; and every person sitting contrary to law, to be fined and imprisoned [a]. He directs the electors what sort of members to chuse, and threatens them with loss of their privileges in case of disobedience. Never done before [b]. He advises the electors of the counties for the new parliament, *A. D.* 1620, to chuse only such gentlemen as are *guides* and *lights* of their own countries; men, who led *honest* and *exemplary* lives; no *bankrupts*, or discontented persons, who want to fish in troubled waters. The bad effect of chusing unfit persons, he says, is visible, as bankrupt and needy men will desire long parliaments for their own protection [c].

In the directions to the electors of the times of *Charles* I. there are some very good advices, and useful for all times, as to choose 'men of parts, courage, 'and expression, professors of religion, exact in all 'duties, holy towards God, and just towards all men, 'free from covetousness, oppression, and partiality; 'not dependent: for such cannot be *theirs* farther than 'another will permit. To chuse such as have estates 'in their counties, not such as are to get estates by 'their country's ruin; such as have been opposers of 'illegal taxes, not those who have received the public 'money,

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[a] Parl. Hist. v. 8. [b] Act. Reg. iv. 210.
[c] Parl. Hist. v. 310.

'money, and given no account; to judge of candi-
'dates by their lives and practices, &c.[a]'

However the *Walpole* family has acted, Mr. *Horace Walpole* writes well on this subject, as follows: 'I 'hear, that dissatisfaction and dissentions have arisen 'among you, and that a warm contest is expected, and 'I dread to see in the uncorrupted town of *Lynne* what 'has spread too fatally in other places, and what I 'fear will end in the ruin of this constitution and 'country,' &c. And afterwards, 'My votes have 'neither been dictated by favour nor influence, but by 'the principles on which the revolution was founded '—the principles to which the town of *Lynne* has ever 'adhered, and by which my father commenced and 'closed his venerable life[b].'

The *Irish* parliament has lately, *A. D.* 1768, made some good resolutions, such as, That the election-oath ought to be administred to the *candidate*, not the elector; and that there ought to be no guzzling at elections.

Judge *Blackstone* very justly regrets the ignorance of the common law, which appears in many members of parliament. Men are prepared for all other employments by being previously qualified; but a country fox-hunter thrusts himself into the house of commons in *puris naturalibus*. He knows, that, generally speaking, there will be nothing required of him, but to take care, that he do not (like Sir *Francis Wronghead* in the play) cry No, when he should have cried Aye.

'Let it ever be remembered, and seriously con-
'sidered, that every county, or borough, when they
'choose

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[a] Parl. Hist. xiv. 307.

[b] Lett. from Mr. *Horace Walpole*, son to Sir *Robert Walpole*. Lond. Mag. 1767, p. 282.

'chooſe their members, put into their hands no leſs 'than the keys of all their treaſure; and not all *their* 'treaſure only, but the property of *every* man in the '*Britiſh* empire; out of which they can take what 'they will, and when they will, and as ſuch are a 'very deſirable partnerſhip for a king[a].'

A humorous writer in one of the news-papers propoſed, at the commencement of the laſt general election, that as it is vain to think of excluding bribery, it might be a conſiderable improvement, if we were to lay aſide, at every general election, all canvaſſing, eating, drinking, kiſſing voters wives and daughters, quarrelling and idleneſs, and that the people ſhould go on with their buſineſs as uſual, till the very day came. That an act ſhould be made aboliſhing all the laws in being againſt corruption at elections, and that from and after ſuch a day, it ſhould be lawful for the conteſting candidates to go to the place of election with *purſes* of guineas in their hands, and fairly *purchaſe* the voters, openly bidding againſt each other as at an auction.

We have an election-oath, by which every elector if called upon, is obliged to ſwear, that he has received nothing for his vote. But the intention of it (though it were likely to be otherwiſe uſeful) is moſt commonly defeated by the *candidates agreeing* to *wave* the *ceremony*. Who can give a reaſon why every member is not at his firſt *entrance* into the houſe obliged, at the hazard of the puniſhment of perjury, to ſwear, that he has taken no *illegal* ſteps to gain his election, and at the *end* of every ſeſſion, that he has not been *influenced* by the court or miniſtry in any one *vote* he has given?

In

[a] Hist. Ess. Eng. Const.

In the year 1754, Sir *J. Barnard* moved the houſe of commons for a repeal of the law, which obliges electors to take the bribery-oath. Experience proves, he ſaid, the *inutility* of the oath, for preventing bribery, and ſhews, that it only opens a door for *perjury*. The motion was over-ruled [a].

It is ſuppoſed, that many prime miniſters, lords, and others, deſirous of having influence in the houſe of commons, have, to evade the act 9 *Anne*, furniſhed candidates with *mock qualifications* to be *returned* after their election. And thoſe wretches have ſolemnly ſworn, upon the ſtrength of a bit of paper to be given up *next day*, that they were poſſeſſed of eſtates of 600 *l.* a year for *life*, clear of all incumbrance, while they were many hundreds, perhaps thouſands of pounds, *worſe* than *nothing*, and only hoped to *repair* their ruined fortunes by *proſtituting* their votes to a villainous miniſter.

If a borough chooſe him, not undone. *Pope.*

We find, the myſtery of iniquity began early to work. *Edw.* III. crowned, *A. D.* 1327, endeavoured to pack the parliament, that he might obtain the larger ſupplies. He puts the ſheriffs and other placemen upon influencing elections. The knights of the ſhires inſiſt, that this abuſe be redreſſed [b].

Sheriffs were tampered with to make falſe returns of members, under *Rich.* II. [c] The commons begun to be of conſequence. And the king's having *few* places, penſions, contracts, lotteries, military offices, &c. to beſtow, they had no *byaſs* to draw them aſide

[a] *Tind.* IX. 484. [b] *Hume's* HIST. II. 176.
[c] PARL. HIST. I. 426.

from their *country*'s intereſt, and therefore were *troubleſome* to the *court*.

Rich. II. changed all the ſheriffs in the kingdom to have a parliament to his mind, and the mayors and magiſtrates in cities and boroughs [a]. Such is the fatal power of kings! It is erroneouſly remarked by hiſtorians, that this was the *firſt* inſtance of the court's tampering with elections, and proved *Richard*'s ruin. It could not have been done by direct bribery in thoſe times, when there were few *places*, &c. And the grants of forfeited eſtates, crown lands, purſes of money, &c. would go but a ſhort way. 'It is impoſ-'ſible' (ſays *Rapin* [b]) 'that a free-ſpirited nation 'ſhould ſee their liberties in the hands of a ſet of men, 'whom themſelves have not freely choſen, without 'deſiring to be freed from ſuch an oppreſſion.'

The court propoſed 'to call a parliament, *A. D.* '1387, the election whereof ſhould be ſo managed, 'that the members ſhould be all at the king's [*Rich.* 'II.] direction.' But, in thoſe days they had not the means of electioneering. Accordingly little or nothing was done [c].

Rich. II. and *all* our *tyrants* (I wiſh I could ſay *only* tyrants) ſince, have broke into the freedom of *election*, and of *voting*. If this does not ſhew the importance of an independent parliament, nothing will.

A ſheriff was fined and impriſoned, *A. D.* 1401, for a falſe return of a member for *Rutland* [d].

Hen. VIII. was freed from the debt of a loan, without payment made, by a bill in parliament, which bill is ſaid, by *Hall*, to have been obtained by corrupt means.

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[a] *Hume*, II. 261. [b] I. 468.
[c] *Rapin*, I. 464. [d] PARL. HIST. II. 82.

means. And it is affirmed, that art was uſed in making elections for parliament, in order to obtain a confirmation of *Henry*'s divorce.

A ſpeaker of the commons, whoſe name is not mentioned [a], takes notice of a certain duke's having endeavoured to influence an election, before the time of *Phil.* and *Mary*, and of a counſellor at law in their time, who had made an attempt of the ſame kind; but was diſappointed. He wiſhes all the electors of his time (*A. D.* 1571.) were as ſtaunch.

In the worſt times, parliamentary corruption has prevailed the moſt. 'All ſorts of artifices, frauds, 'and violences were uſed in queen *Mary*'s reign, for 'making parliaments.' All the magiſtrates in cities and counties were changed from proteſtant to popiſh. Falſe returns made, and allowed by a popiſh parliament [b]. Queen *Mary* expreſly ordered the ſheriffs to return papiſts [c].

Tho. Long, returned member for *Weſtbury*, *Wilts*, *A. D.* 1571, was ſo weak a man, that the houſe, wondering, how he came to be elected, queſtioned him upon it; and found, that he had been guilty of the foul fact; having bribed the mayor of the town, and one *Watts*, with no leſs a ſum than 4*l.* The houſe ordered Meſſ. mayor and *Watts* to be ſent for in cuſtody, and to return the wages of iniquity, like honeſt men; and fined the corporation 20*l.* but we hear no more of the matter afterwards [d].

A. D. 1604, under *Jam.* I. there was a famous conteſted election between *Goodwin* and *Forteſcue*, for the county of *Bucks*. *Goodwin* was declared, in the houſe of

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[a] Parl. Hist. iv. 134. [b] Ibid. iii. 285.
[c] Ibid. 311. [d] Ibid. iv. 154.

of commons, duly elected. The lords desired a conference. The commons were startled at this interposition. The lords laid it upon the king. The commons begged the king to be tender of their privileges. The king insists on their holding a conference with the judges, if they would not with the lords. The commons remonstrate. The king proves (in character) obstinate. The commons, with much reluctance, yield. *Goodwin* shews himself willing to drop his pretensions. His election was held void by the clerk of the crown, because he was an outlaw. The commons decline giving the lords any account of their proceedings, but proposed to send messages to the king; who, in fact, had no more to do with the matter, than the lords [a]. The commons said, the proceedings could not now be reversed. They produced a precedent, 27 *Eliz.* of a bill brought down from the lords, and rejected at the first reading. The lords asked why the determination of the house could not be reversed. The commons did not hold themselves obliged to answer that question; which was the reason of their refusing the conference; though they declared themselves ready to confer with the lords on any proper subject which might arise, where their privilege was not concerned. The lords sent again to the house, that the king thought himself concerned, that there should be a conference. The reason of the king's interesting himself so particularly in this election, was, his thinking his direction (which he had no right to give in an *authoritative* manner, though undoubtedly it was found *advice)* not to elect any outlaw, was despised, in the house's declaring *Goodwin* duly elected. The commons, startled at

[a] Parl. Hist. v. 60.

at the king's inſiſting, conſult what is to be done. At laſt they propoſe to wait on the king next day. Accordingly the ſpeaker, and many members, attend the king. The ſpeaker informs the king, that *Goodwin*'s election was duly carried on, and conſequently *Forteſcue*'s void. That the outlawries againſt *Goodwin* were only for debt; and that he had ſat unqueſtioned in ſeveral parliaments ſince the outlawry had paſſed upon him; and that, beſides, it was not ſtrictly pleadable, becauſe of deficiencies in formality. They mention *Smith*, 1 *Eliz.* *Vaughan*, 22 *Eliz.* three others 35 *Eliz.* *Killigree*, who had 52 outlawries againſt him, and *Harcourt*, who had 18; who were all admitted to privilege. The king holds all theſe precedents for nothing. The houſe, he ſaid, derived its privilege from him, which therefore ought not to be turned againſt him. He pretended, that the court of chancery ought to judge of elections and returns. Quoted a precedent of 35 *Hen.* VI. when all the judges agreed, that outlawry is a cauſe of expulſion from the houſe. The king ſtill inſiſts on a conference between the commons and judges, and that the houſe report the reſult to the privy-council. The commons propoſe to make a law, that no outlawed perſon hereafter ſit in the houſe, and to confer with the judges, not to reverſe what they had done, but that they might profit by the judges learning, and that they might ſatisfy the king. It was ſaid, that there was no precedent of a member's being deprived of privilege on account of outlawry. Others of the commons were ſtrong againſt all conference. That parliament had contradicted the opinions of the judges concerning outlaws, ſince the time of *Hen.* VI. They ſent the king their reaſons againſt all conference. They inſiſted, that till 7 *Hen.* IV. the writs for election were returned to parlia-

parliament, not to chancery, and that the power of hearing and determining concerning elections was always ſuppoſed to be excluſively in the houſe. Of which they brought many precedents, and alledged, that if the chancery were to judge concerning elections, they would ſoon be maſters of the commons. They made apologies abundantly for offending the king. 'Not doubting, ſay they, though we were 'but a part of a body, as to the making of new laws, 'yet for any matter of privileges of our own houſe, 'that we are, and ever have been, a court of ourſelves, 'of ſufficient power to diſcern and determine without 'their lordſhips, as their lordſhips have always uſed 'to do for theirs without us[a].' The king ſtill objects to the abſurdity of giving *legiſlative* power to an *outlaw*. They anſwer, that, notwithſtanding precedents for outlaws ſitting in the houſe, they were determined, in compliance with his majeſty's ſenſe, to make a law for preventing it for the future; but that this law cannot operate againſt *Goodwin*, being *ex poſt facto*; beſides the want of formality in his outlawry, which rendered it null and void, and its being only upon mean proceſs, and two general pardons iſſuing ſince it paſſed upon him, which, at any rate, would have cleared him. The commons meanly requeſt the interceſſion of the lords with the king, as having nearer acceſs to his perſon; and ſend a committee of their houſe to them with their apology to the king. The lords aſk the committee, if they may read the paper? The committee agrees. The lords aſk, if they may amplify, explain, or debate, concerning any doubtful point? The committee anſwer, They have no warrant from the houſe for that. The paper is read. The ſpeaker attends the king at 8 in the morn-

[a] Parl. Hist. v. 76.

ing. Obliged to wait till 10. He reports to the houſe, that the king proteſted, he had the greateſt deſire to ſupport their privileges. That the king deſired and *commanded*, as an *abſolute* prince, that there might be a conference between the commons and judges, in preſence of his council; not as umpires, but to report to him the iſſue of the conference. The houſe is amazed. It was propoſed by ſome, to petition the king to be preſent himſelf, and judge. A committee is appointed. The houſe orders, that the committee ſhall only inſiſt on the ſupport, and explication of the reaſons already given, and not proceed to any other argument, or anſwer. Sir *Francis Bacon*, in his report, flatters the king's wiſdom ſhamefully. It was obſerved, that there had been no ſuch conceſſion made by the commons, to any king ſince the conqueſt. It was diſputed, Whether the houſe of commons could properly be called a court of record. The king propoſes, that neither *Goodwin* nor *Forteſcue* ſit in the houſe. It was accordingly reſolved, that both be ſet aſide, and a new writ iſſued for *Bucks*. *Goodwin* voluntarily gives up his claim by letter to the ſpeaker. The mean-ſpirited commons ſend a committee to thank the king for his deciſion. They flatter him indecently, and he ſwallows all with greedineſs. Thus ended this famous affair.

'The commons, *A. D.* 1641, ſays Mrs. *Macaulay*[a], had paſſed a vote, that they had ſufficient cauſe to accuſe the duke of *Richmond* as one of the malignant party, and an evil counſellor to the king for theſe reaſons. That he endeavoured to have ſuch members choſen as he ſhould name. The interpoſal of peers in the election of commoners had been by ſeveral reſolutions of the lower houſe, declared a breach of privi-

[a] Hist. iii. 194.

privilege; and continues, says Mr. *Hume* [a], to be *condemned* by the votes of the commons, and universally *practised* throughout the nation.

In the time of *Charles* I. *Wray*, *Langton* and 2 *Trelawnies* were committed by the commons for corrupt proceedings at elections [b].

There was great corruption in the court for packing the parliament, *A. D.* 1658. 80 letters were written from *Whitehall*. One *Howard*, a papist, brother to the earl of *Arundel*, boasted that he had sent 24 members to parliament. Tables were kept at *Whitehall* at the public charge by order of *Richard Cromwell*, says *Whitlocke* [c]. 14,000 *l.* spent by the court at the election for *Northamptonshire* in the time of *Charles* II [d].

The case of *Denzil Onslow* [e], tried at the assizes at *Kingston*, *Surry*, *A. D.* 1681, before the lord chief justice *Pemberton*, was remarkable. He had brought his action in the court of common pleas, complaining that another was returned instead of himself to parliament, 31 *Car.* II. after the returning officer had returned him as duly elected. The officer's plea for making a second return, was, that a person elected must be free, resiant, and dwelling within the borough. But the court set that *good* antient statute aside, because the universal *corrupt* practice had been otherwise, and, because, if none but *resiants* [inhabitants] could be chosen, the house would be filled with men *below* the *employment*. [This by the bye, shews the absurdity of the beggarly boroughs having representatives, because a representative ought certainly to be resident, and there cannot be found in *such* places men *fit* to sit in parliament.] Then the returning officer insists that

[a] Vol. I. p. 312. [b] *Petyt*'s MISCEL. PARL. 105.
[c] PARL. HIST. XXI. 289. [d] STATE TRACTS, time of king *William*, I. 340. [e] DEB. COM. III. 313.

ſome of Mr. *Onſlow*'s votes were bad. But this was not allowed. Others had received their burgage tenures, on the ſtrength of which they voted, by fraudulent means, and only for the ſake of the election. The jury gave 50*l.* damages [a].

There was hardly a worſe charge againſt *James* II. than his influencing elections [b]. Mr. *Locke* accuſes him of a deſign to *overturn* the *conſtitution*, becauſe he *influenced elections*. On this principle, how many hundreds of our *peers* might have been impeached of treaſon againſt the conſtitution; as it is well known, that they not only influence, but abſolutely *over-rule* the elections in the greateſt part of the boroughs; and it is notorious, that a very great majority of the houſe of commons is ſent in by the boroughs. What can be imagined dangerous to *liberty*, if this dreadful, growing, *ariſtocratical* power be not?

Abominable were the proceedings at elections *A. D.* 1685. The new corporation charters had taken the election out of the hands of the inhabitants, and put it in thoſe of the corporation excluſively, as a *few* are more obvious to *bribery*, than a great *number*. Thus *arbitrary* is the footing on which election has been put by kings [c]. Accordingly this parliament did almoſt whatever the king deſired. They gave him a revenue of 2 millions, ſome ſay 2½ annually for life; by which he was enabled to ſet *parliaments* at *defiance*; and cruſh all who oppoſed him [d].

Shafteſbury, one of *Ch.* II's tools, renewed the exploded practice of the chancellor's iſſuing out writs to ſupply the vacancies in the houſe of commons [e].

But

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[a] Deb. Com. iii. 317.

[b] See St. Tracts, time of K. *William*, i. 221, *et paſſim*.

[c] *Rapin*, ii. 745.

[d] Ibid. 742.

[e] *Hume*'s Hist. Stuarts, ii. 228.

But it was voted that the writs were irregular, and the members elected were expelled [a].

The borough of *Stockbridge* was convicted, *A. D.* 1693, of corruption at an election. A bill was brought in to disfranchise the borough [b].

'We have been six days upon the *Westminster* poll, 'which is like to last as many more,' says secretary *Vernon*, in his letter of *Jan.* 13, 1701, to the earl of *Manchester* [c]. 'The house of commons' (says the same gentleman) 'has been taken up these three days with *Sheppard*'s 'corrupting several boroughs for procuring elections [d].'

There was much gross corruption practised in the year 1701, says *Burnet* [e]. Some of the contested elections were brought before the house of commons. Some of the persons elected were imprisoned and afterwards expelled. 'In these proceedings great partiality appeared,' [a majority in the house being tories] 'for when, in some cases, corruption was clearly 'proved against those of the tory party, and but doubtfully against those of the contrary side, that which 'was voted *corruption* in the latter [the whigs] was 'called *giving* of *alms* in those of the former sort. 'Thus, for some weeks, the house seemed to have 'forgot all the concerns of *Europe*, and was wholly 'employed in the weakening of one side, and in fortifying the other.'

The borough of *Hindon* was disfranchised, *A. D.* 1702, for bribery at an election, but no individual punished, because the damning bribe was given by a worthy tory [f].

[a] Deb. Com. i. 166. [b] Ibid. ii. 438.
[c] *Cole*'s Mem. p. 283. [d] Ibid. 345.
[e] Hist. own Times, iii. 358.
[f] *Tind.* Contin. i. 574.

Sir *Simon Harcourt* complains ſadly of ill uſage, in his election for *Abingdon*, *A. D.* 1708, reflecting ſeverely on the houſe, and the wicked arts uſed againſt him, inſiſting to the laſt, that he was the legal member, by a clear majority, by the moſt fair eſtimation [a].

Bewdley controverted election. The commons reſolve to petition the queen, *A. D.* 1710, for the ſeveral papers relating to the charter of that borough [b]. Sir *John (Packington)* informs the commons that the queen had given orders for repealing *Bewdley* charter, and to lay before them an account of the proſecutions ordered by, or carried on at the deſire of the crown, as requeſted by the houſe [c].

'Bribery and corruption in elections of all kinds,' ſays a lord in the houſe of peers, *A. D.* 1734, 'are now ſo univerſally complained of, that it is 'become highly neceſſary for this houſe to come to 'ſome vigorous reſolutions againſt it, in order to con-'vince the world that it has not as yet got within 'theſe walls. It has already, I am afraid, got too 'firm a footing in ſome other parts of our conſtitu-'tion; what is now propoſed will not, I am afraid, 'be a *ſufficient* barrier, but I am very ſure, if ſome-'thing is not very ſpeedily done, if ſome effectual 'meaſures are not ſoon taken againſt that deadly foe 'to our conſtitution, I ſay, I am ſure that in a ſhort 'time corruption will become ſo general that no man 'will be *afraid* to corrupt, no man will be *aſhamed* 'of being corrupted [d].'

In the year 1711, happened the famous dirty affair of *Walpole*'s expulſion for alienating 500 *l.* of the public

[a] Deb. Com. iv. 111. [b] Ibid. 172.
[c] Ibid. 176. [d] Deb. Lords, iv. 223.

lic money (of which more fully elſewhere). His ſeat was declared vacant, 'becauſe expelled the houſe for 'breach of truſt, and notorious corruption, when 'ſecretary at war.' And it was reſolved, that 'he 'was and is incapable of being elected a member to 'ſerve in parliament.' His antagoniſt, *Taylor*, was not allowed to be duly elected. The election for *Lynn* was therefore declared void [a]. It was thought a ſtretch of power, becauſe *Walpole* was a ſtanch whig, and the tories were at that time very ſtrong in the houſe. But they ſhewed modeſty in refuſing *Taylor*, elected by a minority. We have ſeen a parliament proceed in a different manner in the caſe of *Wilkes* and *Lutterel*; of which elſewhere.

At the election for the borough of *Bereallſton* in the county of *Devon*, *A. D.* 1721, *Elliot*, a commiſſioner of exciſe, had taken upon himſelf to be the returning officer, contrary to law, which forbids any perſon belonging to the exciſe to meddle with elections. A motion made to addreſs the king to turn him out, was put off [b].

Sir *John Cope*, *A. D.* 1722, charged Sir *Francis Page*, a baron of the exchequer, with corrupting the borough of *Banbury*, in *Oxfordſhire* [c]. *Page* appears clearly to have been guilty; but it was carried by a majority of 4, that he was immaculate [d].

'There were ſeventy one conteſted elections the 'beginning of this parliament, *A. D.* 1734 [e].'

The houſe of commons made a reſolution to hear no more conteſted elections, *A. D.* 1742. The number was ſo great, that the examining them was endleſs [f]. So that any man might be a member of that

[a] Deb. Com. iv. 275. [b] Ibid. vi. 245.
[c] Ibid. 275. [d] Ibid. 278. [e] Ibid. ix. x.
[f] Ibid. xiii. 184.

parliament without having been either elected, or returned.

A. D. 1722, several lords protested on rejecting the bill for securing the freedom of election. 'Because 'the methods of corruption made use of in elections 'were grown to an height beyond the *example* of pre- 'ceeding times; as it was a blemish to the constitu- 'tion, it deserved a parliamentary cure; and because 'the commons complained of this evil and desired their 'assistance, to point out proper remedies. Because 'a new election was coming, and those chosen might 'sit seven years; and the septennial act took its rise 'in that house. Because it was admitted in the 'debate, that the public money had been used, to 'influence elections; and *example* set by men *in* 'high office would spread its influence through *all* 'ranks; and that if gentlemen were to get into par- 'liament by *bribery*, it must prove fatal to the *liberties* 'of the people.'

Lord *Sunderland* said, he had not intimated that the *present* public money had been used to influence elections. What he meant was only in king *Charles*'s, and king *James*'s time [a].

It was ordered, said protest should be *expunged*. Some lords protested against expunging it; and gave the following reasons. 'That they were desirous that 'their reasonings on the mischiefs of bribery and 'corruption, might appear to posterity. That the prac- 'tice of expunging reasons was not *ancient*. That 'expunging *many* reasons, under *one* general head, 'was unfair, and not countenanced but by *one* pre- 'cedent on their books [b].'

Mr.

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[a] Deb. Lords, III. 227. [b] Ibid. 231.

Mr. *Hutcheſon*, in his ſpeech on the bill for ſecuring freedom of elections, *A. D.* 1722 [a], has the following paſſages.

'It is too notorious, what attempts are now carrying on to invade the freedom of your approaching elections; in ſome places by *threats*, to fill and over-awe them with the quartering of *troops*, if they do not comply; in others by the corrupt ſollicitations of *agents* and undertakers employed by thoſe, who from the incredible ſums which are diſperſed, one muſt imagine, have *more* than *private* purſes at their command. But what, in God's name, can all this tend to? What other conſtruction can any man, in common ſenſe, put upon all theſe things, but that there ſeems to have been formed a deſign, by violence and oppreſſion, firſt to *humble* you, and to make your necks pliable to the yoke that is deſigned for you, and then to finiſh the work by tempting the *poverty* and neceſſities of the people to ſell *themſelves* into the moſt abject and deteſtable ſlavery, for that very money, which had been either unneceſſarily raiſed, or mercileſly and unjuſtly plundered and torn from their very bowels? And thus you may be in a fair way of being ſubdued by your *own* weapons. Nor can I imagine what inducement men can have who run from borough to borough, and purchaſe their elections at ſuch extravagant rates, unleſs it be from a ſtrong expectation of being well repaid for their *votes*, and of receiving ample *recompence* and rewards for the *ſecret ſervices* they have covenanted to perform here. In this ſituation it is high time for gentlemen to put themſelves upon their guard, and if it be not already too late, to endeavour to put a ſtop to the courſe of thoſe evils, which are otherwiſe likely

[a] Deb. Com. vi. 272.

'likely ſo ſoon to overtake them. It is for theſe 'purpoſes that this bill is now before you, and I 'hope it either is, or by your aſſiſtance will be made, 'ſuch as may fully anſwer the ends for which you 'were pleaſed to order it to be brought in.'——'We 'know, that perſons heretofore have not only bribed 'the returning officer, but have even *indemnified* him 'againſt the whole *penalty* of 500 *l.* rather than not 'get the return, right or wrong, in favour of them-'ſelves; depending, I ſuppoſe, upon the ſtrength 'and partiality of their friends to maintain them at 'any rate in the unjuſtifiable *poſſeſſion* of a *ſeat* here; 'this has been practiſed upon former occaſions, and 'therefore there are always juſt grounds to ſuſpect 'it will be attempted again. And it is now come 'to ſuch a paſs, that if you were even to *double* that '*penalty*, without doing ſomething *elſe*, I am afraid 'it would have little or no effect. But when all theſe '*bonds* of *indemnity* are declared *null* and *void*, when 'the ſecurities uſually given and taken upon theſe 'occaſions are withdrawn, they may then perhaps 'be *deterred*, at leaſt from ſo *barefaced* a practice of 'theſe arbitrary and illegal proceedings for the future.'

Mr. *Hutcheſon* afterwards ſhews, that the qualification-act was very deficient. 'What dependence, ſays 'he, for inſtance, can you have upon a man who has 'no more than three hundred pounds a year in land, 'or perhaps, only an annuity of that value for life, 'and has at the ſame time thirty or forty thouſand 'pounds in the funds, or an employment of two or 'three thouſand pounds a year, civil or military, from 'the crown? And even that ſmall qualification is no 'otherwiſe obligatory upon him, than merely to en-'able him to ſwear to his having it, if it be required 'at the time of his election; for though he ſells it, 'or otherwiſe *diveſts* himſelf of it immediately after,

'yet

'yet it remains a *doubt*, whether by ſo doing he ſhall 'vacate his *ſeat* in parliament. This is certainly 'ſuch an omiſſion as requires to be better regulated 'and *explained*. There is likewiſe a *ſaving* in that 'act in favour of eldeſt ſons of peers, and the ſame 'for thoſe of commoners of ſix hundred pounds a year; 'but I confeſs I am at a loſs to find out upon what 'grounds the latter was inſerted, unleſs care had been 'taken at the ſame time to oblige the father or the ſon 'to *prove* the *poſſeſſion* of ſuch an eſtate; for at pre-'ſent, let the circumſtances of the family be what 'they will, if the eldeſt ſon can procure himſelf to 'be *elected*, I cannot ſee but he is *intitled* to a ſeat 'here, without any *farther examination* whatever. 'This is another defect ſo groſs in your former act, 'and opens a back door to ſo many perſons, ſo entirely 'contrary to the intent and meaning of it, that it 'very well juſtifies the repeal of it by this bill, I 'mean ſo far only as it relates to the eldeſt ſons of 'commoners [a].'

A petition of the right hon. *Charles Sackville*, commonly called earl of *Middleſex*, and the hon. *William Hall Gage*, Eſq; was preſented to the houſe, *A. D.* 1747, and read, ſetting forth, 'That at the laſt elec-'tion of barons to ſerve in this preſent parliament for 'the town and port of *Seaford*, in the county of *Suſ-'ſex*, the petitioners, together with the right hon. '*William Pitt*, Eſq; and *William Hay* Eſq; were 'candidates. That on the day before the ſaid election, 'a noble peer of this realm did invite to, and enter-'tain at his houſe moſt of the voters of the ſaid 'town and port; and in the room where they were 'aſſembled, ſpake to them one by one, and did ſollicit 'and

[a] Deb. Com. vi. 272, ſeq.

'and *influence* them, with reſpect to giving their *votes* 'at the ſaid *election*; by means whereof ſeveral per- 'ſons who had promiſed to vote, and would have 'voted for the petitioners, were prevailed upon by 'the ſaid noble peer to vote for the ſaid Mr. *Pitt*, 'and Mr. *Hay*. Which proceeding the petitioners 'conceive is an high infringement of the liberties 'and privileges of the commons of *Great Britain*. 'That on the day of election, in order to awe and 'influence the voters in favour of the ſitting members, 'and deter them from voting for the petitioners, the 'ſaid noble peer came into the court, accompanied 'by *other peers* of the realm; and being *ſeated* near to 'the returning officer, did *continue* there until the poll 'was cloſed; notwithſtanding the *preſence* of him, and 'the ſaid other peers was *objected* to by one of the petiti- 'oners, and the returning officer applied to by him not 'to take the poll while the ſaid peers remained preſent 'in the court. In all which the ſaid petitioner thought 'himſelf fully juſtified, as he apprehended their *pre- 'ſence* obſtructed the *freedom* of the election, and from 'the ſeveral declared reſolutions of the houſe of com- 'mons, was a *violation* of the rights and privileges of 'the commons of *Great Britain*; and that by theſe 'and other illegal practices the petitioners *loſt* a great 'number of *votes*, which would otherwiſe have been 'given for the petitioners: And therefore praying the 'houſe to take the premiſes into conſideration, and 'to grant the petitioners ſuch relief as to the houſe 'ſhall ſeem meet. The houſe was moved, That 'the reſolution of the 16th day of this inſtant, '*November*, That it is an high infringement of the 'liberties and privileges of the commons of *Great* 'Britain, for any lord of parliament, or any lord

'lieutenant of any county to concern themſelves in 'election of members to ſerve for the commons in 'parliament, might be read. And the ſame was read 'accordingly. A motion was made, and the queſtion 'being put, That the matter of the ſaid petition be 'heard at the bar of this houſe: Upon which a debate 'aroſe. In this debate, Mr. *Pitt*, one of the ſitting 'members, treated the petition with great *contempt*, 'and turned it into a mere *jeſt*.'

On this occaſion, Mr. *Potter* (ſon of the archbiſhop) ſpoke as follows: 'Mr. Speaker, I riſe up to do 'myſelf juſtice: For as I look upon the matter 'contained in this petition to be of the utmoſt *im-* 'portance to the *honour* of the *houſe*, and even to the 'exiſtence of *parliament*; and as to my very great 'amazement, I ſee this queſtion treated with the 'greateſt *contempt* and *ridicule* by an hon. gentleman, 'whoſe weight may perhaps perſuade a majority to be 'of his opinion, I think I owe it to myſelf to declare 'my ſentiments on this great occaſion by ſomething 'more than the vote which I ſhall give. I hope, Sir, 'things are not yet come to ſuch a paſs, as to make it 'neceſſary for any man to go about to prove that the 'conſtitution is deſtroyed, whenever this houſe ſhall 'loſe its *independency*. After all the noble *ſtruggles* 'made in the houſe by great patriots, after all the 'laws paſſed by the legiſlature to preſerve that inde- 'pendency, I ſhould hope, that out of *decency*, as 'well as out of regard to truth, I may be allowed to 'argue upon that as upon an indubitable maxim. 'The repreſentatives of the people, when they are 'choſen to that office, have been ſaid to be *independent*, 'even on their *conſtituents*; how neceſſary then, Sir, 'is it for this houſe to take care that there be no *other* 'improper, or *corrupt dependency*? But, Sir, if the

'*miniſters* are to be allowed to *nominate* to the burghs
'the perſons who ſhall be their repreſentatives, how
'are we to expect an *independent* parliament? That
'miniſters may endeavour to ſubvert this independency,
'that they may think it even neceſſary to their own
'*ſecurity*, to corrupt parliament, we have too much
'reaſon to know. But, Sir, whatever pains former
'miniſters may have taken for this purpoſe, what
'undue methods ſoever they may have uſed to gain to
'themſelves a corrupt majority in this houſe, I believe
'hiſtory is not able to produce an inſtance equal to the
'preſent of a *wiſe* and *great ſtateſman* taking upon him-
'ſelf the *honourable* employment of being an *agent* at a
'*burgh*. It was not enough to ſignify his commands
'by his underlings; it was not enough to ſolicit votes
'in his own perſon. The voters, it ſeems, could not
'be truſted out of his preſence, and therefore, they
'were to be *attended* even to the *poll*. But, Sir, this
'great humility and condeſcenſion in a miniſter,
'would, in former times, have been conſtrued a moſt
'notorious invaſion of the rights of the people, and
'of the privileges of this houſe. And, Sir, what will
'the people ſay to us? Or what will they think of
'our independency, if we are not as jealous of *their*
'rights, and as tenacious of *our own* privileges as any
'of our predeceſſors have been? What will they think,
'Sir, if after ſeeing one parliament diſſolved in a new
'unprecedented, I had almoſt ſaid an unconſtitutional
'manner, they ſhall be told, that the miniſters have
'been nominating their repreſentatives in the next
'even without the ceremony of a *congé d'elire?* But,
'Sir, ſtill farther; What will they think, if they ſhall
'be told that this *proceeding* of the miniſter has
'been laid before the houſe of commons, and that

'the

'the houſe of commons will not, or *dare* not *cen-*
'*ſure* him? There have been times when no man
'was thought *too great* to be *accountable* to *this houſe*
'for his conduct; and I could give an inſtance
'even in my own memory of a great and able ſtateſ-
'man, whoſe long adminiſtration was an honour and
'benefit to his country, and whoſe conduct this houſe
'thought fit to enquire into by the moſt ſevere ſcru-
'tiny.—When I firſt heard the petition read at your
'table, I could hardly believe it poſſible that the alle-
'gations it contained were founded upon *truth*. I
'expected to have heard the friends of the noble perſon
'who is the object of it, boldly *denying* the *charge*, and
'calling loudly upon the accuſers to juſtify it; I
'was determined not to believe it, unleſs ſupported by
'the ſtrongeſt proof. But, Sir, how great was my
'amazement when I heard an honourable gentleman,
[*W. Pitt*, Eſq.] 'who was privy to the whole tranſ-
'action, not only *admitting* every fact alledged to be
'*true*, but openly *avowing* and attempting to *juſtify*
'them? In what light they may appear to him, Sir,
'he can beſt tell you. But to me it ſeems moſt
'manifeſt, that as the conduct complained of was the
'greateſt *injury* that could be done to our *privileges*,
'the attempt to *juſtify* it is the greateſt *inſult* upon our
'*underſtanding*. In what other light, Sir, can it ap-
'pear to us, than as the laſt and utmoſt effort of one
'who was determined at any rate to procure a *majority*
'in this houſe of perſons *attached* to *himſelf*, his own
'creatures, the tools of his power? I wiſh to God,
'Sir, nothing may happen to-day to give the people
'room to ſuſpect that he has been *too ſucceſsful*. What
'more could he have done? Or what greater inſult
'is it poſſible for him to offer, unleſs he ſhould come

'even

'even within the walls of this houſe to direct our 'determinations? After what he has done—I ſhould 'not wonder, Sir, if he did come and take that chair, 'and tell you, as we were told formerly, that your 'mace was a bauble, and that you ſhould keep it only 'while you pleaſe him. Your *mace*, Sir, is a *bauble*, 'and ſo is every other *enſign* of *authority*, unleſs you 'can preſerve your *independency*. A dependence upon 'the crown, Sir, would in the end prove fatal to our 'liberties; but a dependence upon the *miniſter*, as it 'is infinitely more *diſhonourable*, is infinitely more 'dangerous. One might ſuppoſe, Sir, ſome *ſecurity* to 'a *people* from the *honour* of a crowned head, and 'from the ſolid *compacts* that are made between the 'people and their *ſovereign*. I know of no compacts 'that are or can be made between a miniſter and the 'people. I can ſuppoſe too, Sir, that in ſome future 'time a miniſter may ariſe profligate enough to carry 'his views ſo high as to attempt to make both *king* 'and *people ſubſervient* to his own ambition. I can 'imagine ſuch a one, Sir, taking advantage of ſome 'general calamity or time of general confuſion, by a 'corrupt parliamentary *influence* oppreſſing even the 'king upon his throne, and making the crowned head 'a priſoner in his cloſet. I can imagine him, Sir, 'ſo blown up with folly and ſelf-conceit, as to become 'a competitor even with thoſe who ſhall be of royal 'blood for poſts of dignity or titles of honour; and 'he may, Sir, (it is hardly poſſible indeed) but he 'may even proſtitute the name of the crown to ſupport 'his pretenſions. This, Sir, I ſay is a picture which 'I can draw in my own mind of the miſerable ſitu- 'ation of this country if ever the *parliament* ſhould 'become *dependent* on a *miniſter*. But as this can 'never happen but in ſome time of general infatuation

'or

'or general corruption, the wiſdom and virtue of the 'preſent age ſcarce ſecure us from ſeeing it otherwiſe 'than in imagination: but, Sir, whatever I ſee, or 'whatever I feel, God forbid that by an act or vote of 'mine, I ſhould make the way eaſy for ſuch miſeries 'to overwhelm any future generation. The honour-'able gentleman was pleaſed to ſay that this was a *new* 'caſe, and that there was no precedent upon our 'journals to guide our proceedings: but let it be 'remembered, that this can never be the caſe again, 'ſince the vote of to-day will remain upon our books 'an eternal precedent to poſterity, and a law to this 'houſe for the future. For God's ſake then, Sir, 'let us conſider a little what ſort of a law we are 'going to make; let us remember that if the preſent 'tranſaction paſſes uncenſured, and is declared free 'from guilt, we may hereafter ſee every peer of par-'liament, every ſecretary and other officer of ſtate, 'every chancellor of the exchequer, with his *treaſury* '*bags* under his arm, *attending* and *ſoliciting elections*; 'and when they ſhall be called upon in this houſe to 'juſtify their proceedings, they ſhall tell you, they 'have done nothing but what they had a right to do, 'and that ſuch was the opinion of this wiſe, this 'independent, this freely elected parliament. Sir, I 'am not one of thoſe perſons, who will ever be for 'extending the privileges of this houſe to any ridicu-'lous or romantic degree: if I could but perſuade 'myſelf that there was the leaſt room to doubt 'upon this occaſion, I ſhould think that humanity 'obliged me to put the mildeſt conſtruction. But 'really, Sir, I think the *inſult* offered to the houſe 'is of ſo *flagrant* a nature, I think the *precedent* 'muſt prove ſo *dangerous* to the honour and *indepen-*

'*dency* of *parliament*, I think the conſequences muſt 'be ſo deſtructive to the *conſtitution* as to deſerve and 'demand the *ſevereſt* animadverſion. The honourable 'gentleman was pleaſed to aſk, What is the object of 'the petition? Sir, I will tell him what the object is; 'it is the *ſecurity*, the *freedom* of *parliaments*, and pro-'tecting the privileges of the *commons* of *Great Britain*. 'Surely, Sir, from *this houſe* the *commons* of *Great* 'Britain have a *right* to expect *juſtice*. Their moſt 'valuable privileges have been *trampled upon* and *in-'ſulted*, and they come now by this petition to demand '*juſtice*: Juſtice, Sir, they will receive, and I hope '*now*. But of one thing I am ſure, that, *ſooner* or '*later*, they will have it.' (The petition was diſmiſſed by 247 againſt 96 [a]).

The caſe of a double return from the borough of *Milborn-Port* came under conſideration, *A. D.* 1747. *Michael Harvey* and *Jeffry French*, Eſqrs. and *Thomas Medlycott* and *Charles Churchill*, Eſqrs. were returned. This being a borough by preſcription, according to the ancient uſage and cuſtom thereof, there have always been in it nine capital bailifs, who hold their reſpective offices by virtue of deputations granted by the proprietors of nine ancient parcels of borough lands. Two of them preſide yearly by rotation as head officers; and theſe two preſiding capital bailifs may, if they pleaſe, (at a court leet, held in *October* yearly) appoint ſubſtitutes to execute the menial offices of the borough, who are called ſub-bailifs. This borough diſcontinued ſending members to parliament for many years; but was reſtored to its ancient privileges, 4 *Charles* I. Since which time, it has continued to

[a] *Alm.* Dep. Com. III. 77.

to ſend two members to every parliament, and the ſheriff's precept for chuſing members is always directed to the bailiffs thereof. For ſeveral years after the borough was reſtored to its privileges, the two preſiding capital bailiffs, when preſent, or one of them when the other was abſent, enjoyed the ſole right of making the return to the ſheriff's precept, that is to ſay, of returning the members they thought legally choſen. But ſince the reſtoration, theſe nine ancient parcels of borough lands having been all ingroſſed, and become the property of two neighbouring gentlemen, by agreement between themſelves, they, or ſome of their friends, were generally choſen and returned without oppoſition; and as it often happened that neither of the capital preſiding bailifs were preſent, the return was often made by their ſubſtitutes, or ſub-bailifs: but ſometimes by the capital bailif or bailifs, and moſt frequently by the bailifs and burgeſſes of the ſaid borough. This was the conſtitution of the ſaid borough at the time of the laſt election, when *Thomas Medlycott*, Eſq. and *William Biſhop*, were the preſiding capital bailifs, and one *Arthur Anſty* (ſaid to be a common day-labourer and ſervant to the ſaid *Thomas Medlycott*) was the ſub-bailiff appointed by the ſaid *Medlycott*. The candidates were *Michael Harvey* and *Jeffry French*, Eſqrs. on one ſide, and the ſaid *Thomas Medlycott* and *Charles Churchill*, Eſqrs. on the other; and when the election was over, a return of the two former was made to the ſheriff by the ſaid *William Biſhop*, which he accepted and annexed to his precept; but ſome days after, another return of the two latter was made to the ſheriff by the ſaid *Arthur Anſty*, which he likewiſe accepted, and annexed to his precept, ſo that his writ was returned with a double return for the ſaid borough, and which was the legal return was the queſtion, and the only queſtion

that by order came to be determined on *Thurſday* the 1ſt of *December* laſt. As to the return made by *William Biſhop*, it was objected, firſt, That the ſub-bailifs and not the capital bailifs were by the cuſtom of that borough the returning officers: and ſecondly, That the ſaid *William Biſhop* was not properly qualified to act, becauſe he had not previouſly taken an oath of office. To the firſt objection it was anſwered, that by the cuſtom of the borough the ſub-bailifs never acted but in the abſence, or by the orders or permiſſion of their principals; and when either of the capital bailifs was preſent, neither of the ſub-bailifs could act as a principal; the capital bailif preſent being then the ſole preſiding officer. To the ſecond objection it was anſwered, That *William Biſhop* had taken all the oaths requiſite by law, but that an oath of office was not requiſite either by law or the cuſtom of that borough, as had been admitted by the ſaid *Thomas Medlycott* himſelf. Then as to the return made by *Arthur Anſly*, it was objected, 1ſt, That as he was only a ſub-bailif, and both the capital preſiding bailifs not only preſent, but acting as preſiding officers, he could not act as a preſiding officer in any affair whatſoever; much leſs in ſuch a principal one as that of returning members to parliament. And 2dly, That the return made by the ſaid *Arthur Anſly* was void by virtue of a reſolution of that houſe of the 2d of *June*, 1685, by which it was reſolved, That no mayor, bailif, or other officer, to whom the precept ought to be directed, is capable of being elected to ſerve in parliament for the ſame borough of which he is mayor, bailif, or officer at the time of election. And as the return made by the ſaid *Arthur Anſly* muſt be ſuppoſed to be a return made by the ſaid *Thomas Medlycott*, whoſe ſubſtitute and ſervant he was, according to the axiom in law, *qui facit per alium*

dium facit per se; therefore by this resolution it ought to be void. To the first objection it was answered, That by the custom of the borough the sub-bailifs were the only proper returning officers, consequently the return made by *Arthur Ansty* was the only legal return; and to the 2d it was answered, That if the axiom of law were to be applied to the election for this borough, neither of the two proprietors of the nine ancient parcels of borough lands could ever be chosen or returned as representatives for this borough, because both the capital and sub-bailifs are but their deputies; and as this would be inconsistent with common sense, as well as contrary to the custom of the borough ever since the above-mentioned resolution, it could not be supposed, that the house thereby intended to render the sub-bailifs of this borough incapable of returning either their immediate principals, the capital bailifs, or their remote principals, the proprietors of these ancient parcels of borough lands. Upon the whole, the house, after having spent two days in hearing counsel, reading former returns, &c. and examining witnesses, came to a resolution, that the execution of a precept for electing burgesses to serve in parliament for the borough of *Milborn Port* and the making of the return thereof, are only in the two sub-bailifs of the said borough, or in one sub-bailif, if there are not two, [*one sub-bailif* is undoubtedly more like to be *bribed*, than *two capital bailifs*] in consequence of which the clerk of the crown, by order, took off the file the return made by *William Bishop*, and the said *Thomas Medlycott* and *Charles Churchill*, Esqrs. became thereby the only sitting members [a].

[a] *Alm.* Deb. Com. III. 83.

The duke of *Bedford*, in the year 1735, presented a petition to the lords from the dukes of *Hamilton*, *Queensberry* and *Montrose*, and the earls of *Dundonald*, *Marchmont* and *Stair*, complaining, That, at the election of the sixteen *Scotch* peers, several undue methods and illegal practices were used, of which they could bring proofs, and praying that the house of lords would allow them to be laid before them [a]. The *petitioners* were persons of the highest rank and most respectable personal characters. The *matter* of their petition was of supreme consequence, affecting the very existence of the house of lords.

Some of the court-lords were against making any enquiry into the matter of it; fearing, that some things might come out, which would not be much for their honour. The earl of *Chesterfield* and lord *Bathurst* said, it was very extraordinary, that any hesitation should be made in the house of lords whether they should listen to a complaint of so high an enormity made by persons of such rank. When the matter came before the house, the dukes of *Athol* and *Buccleugh* observed, that the terms of the petition were vague and indefinite. It was remarked, that two *Scotch* peers speaking against the petition was rather indelicate. It was likewise observed, that the house of peers is not, like the courts below, confined to forms; but may proceed to the general issue and merits of the cause in the most natural way. It was moved, That the petitioning lords should be desired to declare, whether they intended to controvert the late election [b]. The petitioning lords declared, they did not intend to controvert the election or return of the

[a] Der. Lords, iv. 360. [b] Ibid. 366.

the ſixteen peers from *Scotland*, but only to lay before the houſe certain proceedings at the election, which they thought dangerous to the conſtitution, and which might affect future elections. A multitude of difficulties were ſtarted about ſuch an enquiry's drawing imputations on certain characters; but it was rightly obſerved, that the lords would do well to conſider, whether throwing impediments in the way of a due enquiry into the matter of the petition, would not draw imputations upon the houſe of peers.

The petitioning lords made a renewed application to the houſe of peers, ſignifying, beſides what they had ſaid in their firſt repreſentation, that they could not, in the matter of their petition, act both as proſecutors and witneſſes; that though their informations were ſufficiently certain as to the fact, that there had been undue proceedings at the election of *Scotch* peers, yet their informers might not have thought proper to give in names, and may avoid doing ſo, till brought before the houſe of peers. Then they added [a] as follows; 'Though the opening the particulars of the 'facts to be proved may neceſſarily produce ſuch a 'diſcovery of evidence before examination as is uſually 'thought dangerous even in courſe of ordinary trials, 'and may be much more ſo in the caſe of a parliamen-'tary enquiry: Yet nevertheleſs, in conſequence of 'your lordſhips order, as far as we are able from the 'nature of the thing, we do humbly acquaint your 'lordſhips, that we laid the petition before you upon 'information that the liſt of ſixteen peers for *Scotland* 'had been framed by perſons in high truſt under the 'crown, long previous to the election itſelf; and

[a] Dep. Lords, iv. 395.

'that this list was shewn to peers as a list approved 'of by the crown, and was called the king's list; 'from which there was to be no *variation*, unless it 'was to make way for one or two particular peers, 'on condition, that they should *go along* with the '*measure*. That peers were solicited to vote for the 'list, called the crown-list, without the liberty of 'making any alterations. That endeavours were 'used to engage peers to vote for this list by promise 'of *pensions*, and *offices* civil and military, to them-'selves and near relations; and by actual promise 'and offers of sums of *money*. That sums of money 'were actually *given* to or for the use of some peers to 'engage them to concur in the voting for this list. That 'annual pensions were promised to be paid to peers, if 'they concurred in the voting for this list; some of 'them to be on a *regular* establishment, and others to 'be paid *without* any *establishment* at all. That about 'the time of this election, numbers of pensions, offices '(of which some were *nominal)* and *releases* of *debts* 'owing to the crown, were *granted* to peers, who 'concurred in voting for this list, and to their 'near *relations*. That on the day of election, a batal-'lion of his majesty's *forces* was drawn up in the Abbey 'court, at *Edinburgh*, and three companies of it 'were marched from *Leith* (a place at *one* mile's dis-'tance) to join the rest of the batallion, and kept 'under arms from nine in the morning till nine 'at night, when the *election* was *ended*, contrary to 'custom at elections, and without any cause or occa-'sion, that your petitioners could foresee, other than 'the overawing of the election. These instances of 'undue practices we now humbly mention, which, 'we hope, will satisfy your lordships, that we have 'just

'juſt reaſon to pray your lordſhips to take this mat-
'ter into your ſerious conſideration, and to provide
'ſuch a remedy as may be effectual for preſerving the
'right and freedom of elections, this being the *only*
'right that now remains with the peers of *Scotland*
'in lieu of a conſtant and hereditary ſeat in parlia-
'ment.'

All this however, went for nothing with many of their good lordſhips. It was not ſufficiently *particular* to be taken notice of by the houſe. Direct *bribery* was not a ſufficiently particular inſtance of illegal practices; nor were the different ſpecies of it, *particularized* by the petitioning lords, *particular* enough. The demurring lords were even ſo hard put to it, that they blamed the petitioning lords for not mentioning the *name* of the *officer*, who commanded the regiment, which was appointed to overawe the election. But nothing would have been more trifling, than their naming him, becauſe he was not guilty; but was obliged to obey his ſuperior officer.

'If a coroner, my lords,' (ſays one of the right honourable ſpeakers) 'ſhould be informed that a per-
'ſon had been murdered, the body buried, and the
'murderer concealed; but that if he would examine
'ſuch witneſſes as his informers ſhould direct him to,
'the murder might be diſcovered, and the perſons
'guilty apprehended and brought to condign puniſh-
'ment; ſurely the coroner would be very *deficient* in
'his duty if he ſhould *neglect* or *refuſe enquiring* into
'the affair, becauſe his informers could not, or per-
'haps would not, declare to him the perſons guilty
'and the *particular* manner in which the murder was
'committed. Surely, my lords, if his informers
'were men of any character or credit, if they were

'perſons

'perſons upon whoſe information he could have the 'leaſt dependence, he would immediately order the 'body to be taken up and examined, and would exa- 'mine, in the ſtricteſt manner, every witneſs his 'informers could direct him to. The caſe before us 'is the very ſame. If your lordſhips can have any 'dependence upon the character or credit of the peti- 'tioners, you muſt ſuſpect that a moſt horrid murder 'has been committed. An election there has been, 'whether it was a fair election, your lordſhips are 'to enquire; for if it was carried on by *undue* 'methods, and *illegal* practices, the *right* of the *peer-* 'age of *Scotland* has been *murdered*, our *conſtitution* 'has got, I am afraid, a mortal *ſtab*. I am per- 'ſuaded none of your lordſhips is of opinion that the 'petitioners are perſons, whoſe information is not in 'the *leaſt* to be depended on, and in ſuch a caſe, upon 'ſuch an information will your lordſhips refuſe to 'make any enquiry, becauſe they cannot inform you 'of the *particular perſons* concerned in the *murder*, 'and of all the particular circumſtances how it was 'committed? For God's ſake, my lords, conſider 'what an *injury* will be done, by ſuch a *refuſal*, to 'the *nation* in general; and what a public *ſtur* will be 'thrown upon the honour of this *houſe*, and upon the 'juſtice of our proceedings. In ſhort, my lords, the 'honour of this houſe, as well as the independency 'of parliament, is, in my opinion, ſo much concerned 'in the affair now before us, the complaint is ſo 'well ſupported, the grievance ſo fully and ſo par- 'ticularly ſet forth, and a redreſs ſo loudly and ſo 'generally as well as particularly called for, that if 'we do not enquire ſtrictly into this affair, I ſhall 'hardly expect that *this houſe* will *ever*, for the future,

'*enquire*

'*enquire* into the *complaints* of any ſubject, or of *any* '*number* of *ſubjects*; and if the other houſe follow the 'example of this, where then ſhall the ſubjects go 'to complain? No where can they go, my lords, but 'to the foot of the *throne*, which they cannot approach, 'but when the miniſters pleaſe to give them *leave*, 'and then, I am ſure, it muſt be granted that the 'ſubjects of this once happy and free nation will be 'reduced to the ſame ſtate with thoſe of the moſt abſo-'lute, the moſt *ſlaviſh* monarchy upon earth.'

The miniſterial lords made a handle of the circumſtance, that the petitioning lords did not *comply* with their order, and ſend the *names* of the offenders. A groſs proof of *partiality* againſt the *matter* of the petition! For the petitioning lords did not *know* all their names; and petitioned the houſe expreſly for the purpoſe of *finding out* the guilty perſons; which the petitioning lords *themſelves* could not do. Beſides that the naming, before examination, of the ſuſpected perſons was the ſure way to defeat the examination by putting them upon abſconding, or running away, and ſecuring their *betters* from *diſcovery*. One would almoſt imagine, their tender-hearted lordſhips meant this in pure compaſſion to the poor innocents, who had unthinkingly ſtabbed the liberties of their country. At any rate, there was one obvious advantage, of which the lords diſappointed the nation, *viz.* The legiſlature's finding means for *preventing* (if they wiſhed to prevent) ſuch corrupt practices for the future. 'We cannot conceive' (ſaid the proteſting lords) 'that an innocent perſon, who ſhould happen 'to be named in the courſe of ſuch an examination, 'can poſſibly be deprived of the *means* of making 'his *innocence* appear. But we can well foreſee, that

'*guilty*

'*guilty* persons (and these probably of the *highest* rank) 'may *escape* by such a method; which imposing an '*impossibility* on the informants, must, as we appre-'hend, serve to defeat all parliamentary enquiries, 'and therefore could not be, in our opinion, within 'the intention of the order.' The protesting lords add, 'We apprehend, that pinning down the peti-'tioning lords to the precise *words* of the *order*, may 'be attended with this fatal consequence, that all '*parliamentary enquiries* may be rendered much *more* '*difficult* hereafter, which may probably give such 'encouragement to corrupt *ministers*, that they may 'be prompted to make the most dangerous attempts 'upon the *constitution*, and hope to come off with '*impunity*. Such apprehensions naturally suggest the 'melancholy reflection that our posterity may see the 'time when some of those lords who sit upon a more 'precarious foot than the rest of the house, having 'through motives of virtue and honour, opposed the 'evil designs of some *future* minister, for that, and 'that *alone*, may be *excluded* at an ensuing election; 'and though the whole world may be sensible of the '*cause* of their exclusion, no *remedy* may be found, 'but their case may become a subject of *national* 'concern, indignation, and resentment.' It was then moved, that the petition should be dismissed. And it was urged (*gravely* I will not say; for I should think hardly even a court-lord could so effectually com-mand his countenance) that it was *a priori*, and 'from the nature of the thing,' improbable (*geome-trically demonstrable*, they should have said) 'that any 'such practices were made use of at the late election.' Because the elected lords, were *good men* [a]. If this be

[a] Dem. Lords, iv. 413.

no

not demonſtration, let the reader judge. It was obſerved, on the part of the petition, that if ſuch a petition was diſmiſſed, it would naturally be concluded, That the houſe of peers 'was never to enquire 'into any illegal practices, if by ſuch enquiry an 'impeachment, or any other parliamentary proceed-'ing, might become neceſſary for puniſhment.' It was ſaid, That even 'common fame, or a general cla-'mour was not only a foundation for an enquiry, 'but ſuch a foundation as the houſe of peers is 'obliged, both in honour and duty, to lay hold of;' that the guilty, if any ſuch are found and convicted, may be brought to condign puniſhment; or, if otherwiſe, that the ſlanderers may be puniſhed. 'General '*clamours* ought never to be *contemned*, the *people* 'ought to be *ſatisfied*. It is one of the chief *ends* of 'our *meeting* in this *houſe*, and in ſuch caſes there is 'no way of ſatisfying the people, but by a ſtrict '*enquiry*, and a ſevere *puniſhment* upon the *guilty*; for 'guilty perſons there muſt neceſſarily be upon all 'ſuch occaſions, either on one ſide or the other.' And if a *general clamour* is a ſufficient cauſe for parliamentary enquiry, how much more a petition from *ſix noblemen* formally complaining of *injury* done themſelves and their *country*? To ſay nothing of the duke of *Hamilton*, the *firſt* nobleman of the antient kingdom of *Scotland*, or of any of the other four, who ſubſcribed the petition, the venerable name of the earl of *Stair* was *alone* ſufficient to ſanctify whatever it appeared affixed to, and to ſecure it from the neglect of any, but a ſet of men, who had long ſet ſhame and decency at defiance.

The affair of the *South Sea* directors, and of the charitable corporation, and of the *York-Buildings* com-

company, were mentioned on the part of the petition, into which an enquiry was made, though as few particulars previouſly ſpecified as in the preſent caſe. Theſe were all ſet on foot in conſequence of petitions from the injured, as in the preſent caſe. 'But,' (ſay the lords on the ſide of the petition) 'was it ever 'before deſired, or inſiſted on that the *petitioners* ſhould 'give *particular* inſtances of the frauds or illegal prac-'tices they complained of? Was it ever inſiſted on 'that they ſhould give the *names* of the particular 'perſons they ſuppoſed to be guilty? No, my lords, 'it never was. And ſhall the petitioners in the preſent 'caſe, becauſe they are men of as *high quality*, and as '*much injured* as any that ever preſented a petition to 'parliament, becauſe the injury they complain of is 'of as *high* and as *dangerous* a nature as any that was 'ever complained of to parliament; and becauſe the 'practices they complain of are as *generally believed*, 'and as much *exclaimed* againſt, as ever any practices 'were in this or any other nation; ſhall they, I ſay, 'for *theſe* reaſons be obliged to do *more* than was ever 'deſired of any petitioners? Shall their petition be '*rejected*, unleſs they will ſubject themſelves to the '*trouble*, the *expence*, and the *danger* of becoming the 'actual *accuſers* of thoſe they ſuſpect to be guilty?'

It was obſerved, 'that even in private life, if a gen-'tleman ſhould relate a fact, and ſay he had it from 'ſuch authority as he could depend on, it would not be 'conſiſtent with common *decency*, to tell him, I can 'give *no credit* to what you relate; nay, I will not ſo 'much as be at the pains to *enquire* into the truth of it, 'unleſs you give me your *authority*. Conſider, my 'lords, what are the authorities that *can* be given. The 'noble lords the petitioners have told us, that they have

'*certain information* of undue and illegal practices made 'use of towards engaging peers to vote for a list at the 'last election. The only authority they can give for 'this allegation is, that of the *persons* who *told* them so, 'and these are the very persons they desire to have *ex-* 'amined at your *lordships* bar. Surely your lordships 'would not have them to give you that authority at 'present; you would not have them *now* to give you 'the names of their informers; that would indeed be a 'discovery of evidence, the most open that *ever* was 'made, and more open than was ever *desired* from any 'plaintiff in this world. This therefore is *not* surely 'what the noble lords would have towards assisting 'them to form a *judgment* of their own in the present 'case; and yet *if this be not what they want*, I really 'cannot comprehend *what* they would have.'

'If we look back upon all former elections in par- 'liament, (says a nameless speaker in the debate) we 'must think it very strange that the sixteen peers 'chosen have always been of a *ministerial* complexion 'almost without exception; and if the complexion of 'any of them *altered* during the continuance of the 'parliament, we have always found them *left out* at 'the *next* election; nay, upon all *changes* of *ministers*, 'we have found the election of peers in *Scotland* take a '*new* and a *general* turn. This could not, in my 'opinion, have happened without something of a very 'extraordinary ministerial *influence* on that election; 'and this extraordinary influence cannot be obtained 'without some *undue* methods and *illegal* practices; 'nay, it is natural to suppose, that if he is not a man 'of *more* virtue than ministers usually have, a minister 'will always make *use* of the *power* and the favours of 'the crown which are at his disposal, to get such a

'set

'set of peers returned from *Scotland* as he shall *approve* 'of; so that from the nature of the thing, as well as 'from past experience, we have all the reason in the 'world to believe there have been some illegal practices 'made use of at the *last* election; and as the honour of 'this *house*, as well as the preservation of the *constitution*, is deeply concerned in *preventing* such prac-'tices, as such practices cannot be *prevented* by our 'ordinary courts of law, an enquiry into this affair is 'now, I think, become absolutely *necessary*.'—'*Cus-*'*tom*, my lords, is of a mighty *prevalent* nature. 'Even *virtue* itself owes its *respect* in a great measure 'to custom; and *vice*, by being openly and *avowedly* 'practised, soon comes to disguise itself, to conceal its 'deformity, and at length to assume the habit of virtue. 'If *ministerial* influence, if private and *selfish* views 'should once come to be the *sole* directors in voting at 'the election of the sixteen *peers* for *Scotland*, the prac-'tice would soon get even into *this house itself*; and as 'inferiors are always apt to imitate their superiors, it 'would from thence descend to *every election*, and to 'every assembly in *Great Britain*. *Corruption* would 'then come to be openly and generally *avowed*; it 'would assume the habit of *virtue*; the sacrificing our 'country, the sacrificing of all the ties of *honour*, *friend-*'*ship*, and *blood*, to any *personal* advantage or prefer-'ment, would be called *prudence* and *good sense*, and 'every contrary behaviour would be called *madness* and '*folly*. Then indeed if there were a man of virtue left 'in the nation, he might have reason to cry out with 'the celebrated *Roman* patriot, O virtue, I have followed 'thee as a real good; but now I find thou art nothing 'but an empty name. It was, my lords, the general 'corruption he found in his country that led that

'great man into such an expression. He died in the 'defence of liberty and virtue; and with him expired 'the last remains of the liberty and virtue of his 'country; for *virtue* and *liberty* always go hand in 'hand; wherever one is, there likewise is the other, 'and from every country they take their *flight together*.'

It had been said on this occasion, that the enquiry proposed by the petitioners would put the nation in a ferment. To this it was replied [a], 'As to the 'putting the nation in a *ferment*, I am sure in the 'present case our going upon an enquiry will put the 'nation into no ferment; but our *refusing* to make any 'enquiry will certainly put the whole nation, and 'particularly *Scotland*, into a very great ferment. We 'ought to consider, my lords, the danger the whole 'nation was exposed to by a most unjust rebellion 'raised in that country against his late majesty; but 'if the *peerage* of that country should find themselves 'oppressed by a *minister*, and should find that *no justice* 'is to be expected from *this house*, it may raise 'another rebellion, or rather an *insurrection*, in that 'country; and as they would then have *truth* and 'justice on their side, it would naturally procure them 'the *hearts* of all the people of *England*, and I am 'afraid most of their *hands*.'

The petition being dismissed, a protest was entered on the journals, in which are the following nervous passages, viz.

'When we consider the first particular in the answer 'of the lords petitioners, viz. That the list of sixteen 'peers for *Scotland* had been framed by persons in *high* 'trust under the crown, being *previous* to the election 'itself, and that the list was shewn to peers, as a list ap-

[a] Deb. Lords, iv. 422.

'proved of by the *crown*, and was called the king's list; 'we are filled with *indignation* to see that *great* name 'indecently blended with the tricks of *ministers*, and 'profaned and *prostituted* to the *worst* purposes, to 'purposes that must necessarily tend to the *subversion* 'of our *constitution*, which we know it is his majesty's 'glory and desire to *preserve*. Such a criminal attempt 'to screen or facilitate a *ministerial* nomination by the 'interposition (equally false and illegal) of his ma-'jesty's name, calls, in our opinion, not only for the 'strictest enquiry and the severest *punishment* upon the 'authors of the fact, if it be *proved*, or the *assertors* 'of it, if it be *not*; but it is in our opinion no way to 'be dropt *unexamined* and *unenquired* into; such a pre-'cedent may in future times encourage the *worst* of 'ministers to load with *his* guilt the best of *princes*; the 'borrowed *name* of his *sovereign* may at once become 'his *weapon* and his *shield*, and the constitution may 'owe its danger, and he his defence to the abuse of 'his prince's *name* after a long abuse of his *power*.'—— 'We dissent, because we think the promises of pen-'sions and offices, civil and military,' [and the other above-mentioned bribes offered to the peers, who should vote for the ministerial list] 'seem in the highest 'degree to affect the honour and dignity of *this house*; 'since untroubled streams can hardly be expected to 'flow from a *corrupted* source: and if the election of 'sixteen peers for *Scotland* should ever by the foul arts 'of corruption dwindle into a *ministerial* nomination, 'instead of persons of the first *rank*, greatest *merit*, 'and most considerable *property*, we may expect in 'future parliaments, to see such only returned, who, 'owing their election to the nomination of the mini-'ster, may purchase the continuance of their precarious 'seats by a fatal and unanimous submission to *his* 'dictates.

'dictates. Such perſons can never be *impartial* judges 'of his conduct, ſhould it ever be brought in judg-'ment before *this* great tribunal.'

Thus far this ſhameleſs affair was carried; and then it was voted to adjourn; on which 32 lords diſſented. Their proteſt concludes with the following words, *viz.* 'We have reaſon to apprehend that *poſterity* upon the 'peruſal of the journal of this day, may be induced to 'think that this houſe was not inclined to *permit* the 'tranſactions of the late election in *Scotland* to be 'brought under *examination* in *any ſhape whatſoever*: 'the method propoſed being, as we conceive,—*clear* of 'all the *objections* which were made in relation to the 'petition.'

On occaſion of the controverted election for *Yorkſhire*, *A. D.* 1736, the commons allowed parol-evidence to be a ſufficient proof, that a particular voter was not a freeholder, who had made *affidavit*, that he was. Yet we do not hear, that the man was *puniſhed* for *perjury* [a]. And afterwards [b], 'The houſe having 're-aſſumed the hearing of the petitions relating to 'an undue election for the county of *York*, the coun-'ſel for the petitioners examined *Joſhua Wilſon*, in 'order to diſqualify *John Maken*, as having had no 'freehold at the time of the ſaid election in the place 'where he then ſwore, that his freehold did lie; and 'the ſaid *Wilſon* beginning to give evidence of that 'diſqualification, by relating the confeſſion of the ſaid '*John Maken*, he was interrupted by the counſel for 'the ſitting member, who ſaid, that as the houſe would '*not admit* of a man's confeſſion even *before them*, as 'an evidence againſt what he had ſworn at the time

[a] Deb. Com. ix. 148. [b] Ibid. 151.

'of an *election*, they would not ſurely admit of a man's 'private confeſſion to a neighbour in the country as 'an evidence againſt what he had ſworn at the time of 'an *election*. Upon this the counſel on both ſides 'were heard, and ſeveral journals read, particularly 'the reſolution of that houſe of the 12th of *February* 'then laſt, in the caſe of the election for the borough 'of *Southwark* againſt admitting the petitioners counſel 'to examine *Thomas Garman* in *contradiction* to his 'oath at that *election*: And then the following queſtion 'was propoſed, *viz.* That the counſel for the pe-'titioners be admitted to give evidence as to what a 'voter confeſſed, of his having *no freehold*, who, at 'the time of the *election*, ſwore *he had*. Upon this 'motion there was alſo a debate; but upon the queſ-'tion's being put, it was carried in the affirmative by '181 to 132.'

In the year 1739, complaint was made of an undue election for *Plymouth*. The laſt determination of the houſe, *viz. A. D.* 1660, had ſettled, that the right of election was in the mayor, and commonalty. The petitioner's counſel inſiſted, that the word commonalty ſignifies *freemen only*, *excluding freeholders*. The houſe reſolved the ſame. The ſitting member, who was elected by a majority of freemen and freeholders, was turned out, and the petitioner, who was elected by a majority of *freemen only*, was received [a].

How *neceſſary* miniſters think it for them to have *power* in *elections*, appears from the following; which ſhews, that the then reigning junto were willing to ſacrifice, to this great object, the liberty and happineſs of every *Britiſh* ſubject.

A. D.

[a] Deb. Com. xi. 199.

A. D. 1739, the miniſtry, on pretence of manning the navy, propoſed an act, by which conſtables ſhould have power, by a warrant from juſtices, to *enter* and *ſearch private houſes* at *all hours*, for concealed ſailors. In the debate in the houſe of commons, an anonymous member ſpoke as follows [a],

'I am ſurpriſed, to find gentlemen expreſs ſo much 'impatience, as ſome begin to ſhew in this debate. 'I hope no gentleman comes here with a reſolution 'to give his vote upon either ſide of any queſtion, 'that may be ſtarted, till he has *heard* what may be 'ſaid for or againſt it; and therefore in a queſtion 'which ſo nearly concerns the liberties of this coun- 'try, I cannot but be ſurpriſed at ſeeing gentlemen 'expreſs an *unwillingneſs* to *hear* the *argument* fully '*diſcuſſed*. If they will not be at the pains to let 'us hear *their* ſentiments upon it in any other way 'than by their *Aye* or *No*, they ought to *attend par-* 'ticularly to thoſe that *will*; for though theſe mono- 'ſyllables may determine the queſtion, I am ſure 'neither of them will *convince* any reaſonable man in 'the kingdom. The queſtion now before us is not 'ſimply, Whether we ſhall agree to *this clauſe* or not. 'It is, Whether we ſhall agree to put an *end* to our '*conſtitution*, and make *ſlaves* of ourſelves, our con- 'ſtituents and poſterity? For this, in my opinion, 'will be the certain conſequence of our agreeing to 'this clauſe, however amended. That our liberties, 'nay and our properties too, depend upon the freedom 'of our *elections*, is a maxim which I believe no man 'will conteſt. A corrupt parliament may for a time 'ſupport an oppreſſive and wicked miniſter; but a parli-

[a] Deb. Com. xii. 418.

'ament is but the ſtream: Our elections for parliament 'men are the fountain head, and as long as they are 'left free and uncorrupted, the ſtream will of courſe 'refine, and will at laſt become as pure as the foun-'tain from whence it flows. But this clauſe, Sir, 'ſeems to be contrived for poiſoning the fountain 'itſelf, and for rendering all the elections in the 'kingdom dependent upon the will of every future 'miniſter. Let us conſider, Sir, that the freedom of 'a man's vote at any election may be taken away, 'not only by an immediate *bribe* in ready money, or 'bank notes, but by the *hopes* of being rewarded for 'his compliances, or the *fears* of being made to ſuffer 'for his ſtubbornneſs; and if we conſider how much 'a miniſter has it already in his power to make uſe 'of every one of thoſe methods, we ſhall be extremely 'cautious of making any new additions to that power. 'That our miniſters have *now* a much greater com-'mand of ready *money*, than they *formerly* uſed to 'have, can be denied by no man who conſiders the 'late increaſe of the *civil liſt* revenue, the great ſums 'of late years allowed, even in time of peace, for '*ſecret ſervice* money, and the ſavings that may be 'made out of the vaſt ſums now granted for the '*current* ſervice. I believe, Sir, it will be as little 'conteſted, that our miniſters have now a much '*greater* number of lucrative poſts and employments 'at their diſpoſal, than any *former* miniſters ever 'had in this kingdom. Theſe, Sir, are a two edged 'ſword in the hands of a miniſter; they ſerve not 'only for cultivating the *hopes* of the compliant, but 'for encreaſing the *fears* of the ſtubborn at elections; 'and by our late practice they are now become more 'uſeful in both theſe reſpects than ever they were 'before.

'before. It is now become a general and an eſta-
'bliſhed opinion, that no man is to expect or to hold
'any poſt or employment in the government, unleſs
'he, and all thoſe over whom he has any influence,
'take care to vote at every election according to the
'directions of the miniſter. What an effect this
'muſt have at all elections, gentlemen may eaſily
'imagine. If an elector has any thing mercenary in
'his temper, he will certainly vote according to court
'directions at every election, in hopes that he, his
'ſon, his brother, or ſome near relation, may get
'a poſt or a preferment in the ſervice of the govern-
'ment; and it is a great hardſhip upon honeſt men,
'I mean thoſe who vote upon all occaſions accord-
'ing to conſcience, to find themſelves excluded from
'all the benefits that are to be reaped by ſerving their
'country in a public capacity. Whether it is ſo or
'not, I ſhall not pretend to ſay; but I am ſure it is
'generally thought, that no man is now deemed
'capable to ſerve his country, unleſs he be ready
'upon all occaſions to ſacrifice the liberties of his
'country to the dictates of thoſe who have the diſ-
'poſal of our public employments; and this of itſelf
'would in moſt countries be ſufficient for eſtabliſhing
'arbitrary power.'—He goes on afterwards as fol-
lows.—'In a country where there is a multitude of
'*penal* laws, and eſpecially when thoſe laws not only
'puniſh, but *create* crimes, innocence can be no pro-
'tection againſt the malice or revenge of thoſe who
'are entruſted with the executive part of the govern-
'ment. A man may *without knowing* it, be guilty
'of a breach of ſuch *intricate* laws; and even when
'he is guilty of no breach, he may be plagued and
'harraſſed out of his life, or at leaſt out of his buſi-

'neſs, by the government's officers. In ſuch cir-
'cumſtances he muſt not only be a very honeſt, but
'a very brave and reſolute man, who will dare to
'vote at any election contrary to theſe menaces that
'are whiſpered to him by the tools of a miniſter;
'and if we conſider what numbers of electors are
'already brought into ſuch circumſtances by the many
'penal laws lately enacted, we ſhall have more reaſon
'to wonder at any election's being carried againſt
'the court intereſt, than at the *miniſter*'s having the
'*direction* of moſt of the *elections* in the kingdom.
'When our liberties are in ſo great danger, when
'there is ſo much reaſon to apprehend the prevalence
'of court influence upon every election in the king-
'dom, ſhall we paſs a law, which will enable a
'miniſter to diſtreſs every man in the kingdom, who
'ſhall dare to diſobey his orders at any election? I
'ſay, Sir, *every man* in the kingdom; for this law
'will enable a miniſter to diſtreſs not only our ſea-
'men, but *every man* in the kingdom that has a *houſe*
'over his head. Such a law as this will have a
'moſt fatal effect upon the freedom of our elections,
'not only with regard to all ſuch as are, or have
'ever been at ſea, or in any buſineſs upon the water,
'but with regard to every other man in the kingdom,
'that happens to be a houſe-keeper. Quiet and
'ſecurity at home, is an advantage which every man
'muſt deſire, and conſequently being diſturbed by
'unwelcome gueſts, or at unſeaſonable hours, is a
'danger every man muſt dread. By this law you are
'to put it in the power of a *miniſter* to diſturb any
'*houſe-keeper* in the kingdom as *often*, and at ſuch
'*hours* as *he* thinks fit; and conſequently every houſe-
'keeper in the kingdom muſt be under a continual
'terror

'terror of doing any thing that may provoke the 'miniſter to make uſe of this power againſt him. 'The interpoſition of an information upon *oath*, will 'be no *reſtraint* upon this power; becauſe miniſters 'are generally well provided with *informers* of all 'kinds, and the more wicked and oppreſſive a miniſter 'is, the more of theſe vermin he always has about 'him, and the more profligate they are. In my 'opinion it will be ſo far from diminiſhing, that it 'will *increaſe* the danger of this clauſe, becauſe juſ-'tices are to be not only empowered, but *required* to 'grant their warrant, and conſtables are *obliged* to 'execute the warrant of the juſtices. If you leave 'it as it ſtands at preſent, the execution of the law 'muſt be regulated, or at leaſt it ought, I think, to 'be regulated by the preſent practice in the caſe of 'vagrants. When the juſtices grant their warrant 'for a general ſearch after vagrants and other idle and 'diſorderly perſons, the conſtables are not to ſearch '*every* houſe in the diſtrict; they are to ſearch no 'where but in night houſes, or houſes of ill repute; 'and if they ſhould diſturb houſes of good character, 'by virtue of ſuch a warrant, they might be proſe-'cuted, and would be puniſhed; and therefore as 'this law now ſtands, the conſtables could, in my 'opinion, ſearch no where but in houſes reputed to 'be harbourers of abſconding ſeamen. This, I ſay, 'is my opinion, but if the clauſe ſhould be paſſed 'into a law, I ſhall not ſay that my opinion would 'be aſked or followed; and therefore I do not think 'we ſhould agree to a law, which by too extenſive 'an interpretation might be made of the moſt dan-'gerous conſequence both to the liberties of our 'country, and to the property of every ſubject. But,

'Sir,

'Sir, if you make the amendment propoſed; if you 'require the juſtice to grant his warrant upon the 'oath of any informer, you will make the evil con- 'ſequences of this law certain and unavoidable. The 'juſtice *muſt* then grant his warrant, and the houſe 'muſt be ſearched, let the character of the *houſe* be 'ever ſo *good*, let the character of the *informer* be 'ever ſo *bad*. This, Sir, is more than is done even 'in the caſe of *felony*; a juſtice is empowered to grant 'his warrant to ſearch a houſe upon information on 'oath, that there is cauſe to ſuſpect ſtolen goods 'being concealed in that houſe; but he is not *required* 'ſo to do. He may, and ought to refuſe granting 'his warrant, if the informer be a mean perſon, or 'one of a bad character; and if, upon ſearching, no 'ſuch goods be found, the *informer* would be made 'anſwerable for all damages ſuſtained by ſuch ſearch. 'Nay the *juſtice* himſelf would be made anſwerable, 'if it ſhould appear that he had granted his warrant 'upon the information of an inſufficient perſon. I 'therefore wiſh, Sir, that the honourable gentlemen 'employed in drawing up this bill had conſidered 'a little better the conſtitution and the laws of their 'country; for from the bill, as it ſtands at preſent, 'the people without doors will be apt to imagine they 'have very little regard to the liberties, the proper- 'ties, or the eaſe of the ſubject, provided they can 'but increaſe the power and influence of the crown.' —Afterwards he adds what follows;—'Upon this 'ſubject, Sir, I cannot paſs, unobſerved, the late 'famous gin-act. By the eſtabliſhed law of the land, 'before that act was paſſed or thought of, no perſon 'could ſell beer, ale, or ſpirituous liquors, by retail, 'without a licence from the juſtices of peace. The

'juſtices

'juſtices had a power to *refuſe* their licence, or to
'*recall* it, when they pleaſed; and if any one ſold
'ſuch liquors without a licence, he was by law made
'liable to ſevere penalties. Beſides this, there were
'ſevere laws againſt all ſuch as allowed drunkenneſs
'or tippling in their houſes; and moreover there
'were ſeveral of our gin-ſhops that might, I believe,
'have been indicted as a public nuiſance. By a
'neglect of all theſe remedies, tippling and drunken-
'neſs in gin-ſhops and ale-houſes, came to a mon-
'ſtrous height, and was generally complained of,
'and often preſented by our grand inqueſt without
'any redreſs, becauſe our *juſtices* of peace, who are
'entirely under the *direction* of our *miniſters*, would
'not put the laws in execution againſt theſe enormi-
'ties. At laſt, when the people were worked up to
'a ſufficient rage againſt theſe enormities we were
'told, that the laws in being were not ſufficient for
'preventing them; and though every one that under-
'ſtood the law, knew the contrary, we were pre-
'vailed on to agree to a new law, by which a very
'great addition was made to the civil liſt revenue,
'and every vintner, inn-keeper, ale-houſe-keeper, vic-
'tualler, coffee-houſe, and brandy-ſhop in the king-
'dom, brought under a moſt ſlaviſh dependence upon
'our *juſtices* of the peace and *commiſſioners* of exciſe.
'That theſe were the effects of the gin-act muſt be
'apparent, Sir, to every one who conſiders that the
'great increaſe of the civil liſt revenue pretended to
'ariſe from its ſhare of the duties upon ſpirituous
'liquors, was owing to the enormities complained
'of, which were, perhaps, for that very reaſon in-
'dulged; and for the ſame reaſon, perhaps, it was
'pretended, that no ſtop could be put to them by

'the

'the laws in being, becauſe if a ſtop had been put to 'them that way, the *increaſe*, which had ariſen to the 'civil liſt revenue by indulging thoſe enormities, 'would have been annihilated without any recom- 'pence from the aggregate fund. And if we conſi- 'der the neceſſity every keeper of a public houſe is 'under of ſelling ſpirituous liquors in ſmall quantities 'to his cuſtomers, the high penalties he is, by that 'act, ſubjected to, if he does ſo, and the *power* given 'to the *commiſſioners* of exciſe and *juſtices* of the 'peace, to mitigate thoſe penalties; we may ſee, that 'the keeper of every public houſe muſt be under a 'ſlaviſh dependence upon our commiſſioners of exciſe 'and juſtices of the peace, and conſequently that he 'muſt expect to be *ruined*, ſhould he give his *vote* 'againſt a *court*-candidate. Thus we may ſee, Sir, that 'from all the inconveniencies that aroſe either from 'a deficiency in our laws or from a neglect in the 'execution of them, an advantage is taken for in- 'troducing ſome new regulation, by which the '*power* and influence of the *crown* may be *increaſed*. 'This has ſo conſtantly, in all ages, been the prac- 'tice of our miniſters, that one may from thence 'conclude, that every man, as ſoon as he becomes a '*miniſter*, or as he calls himſelf, a ſervant of the 'crown, begins to think himſelf in duty bound to 'uſe every art he can think of for *deſtroying* the *liber- 'ties* of the ſubject. This, I ſay, ſeems to have 'been the way of thinking among miniſters in all 'ages, and I am ſure in no age more apparently than 'in this. Shall we then upon this, or any other 'occaſion, throw aſide our jealouſies and fears? Shall 'we put a truſt in thoſe, who by their practices have 'given us ſo good reaſon to be convinced of their

'having a design to betray us? If we are under any 'present inconvenience, if we are under present difficulties with regard to the *manning* of our *fleet*, let 'us examine whether they proceed from the neglect 'or misconduct of those concerned in the executive 'part of our government, or from any real defect in 'our constitution. If from the former, let us *remove* 'those who have run us into such difficulties; and 'if from the latter, let us consider our *constitution*, and 'apply those remedies that are most consistent with its 'security and preservation; but let us not plunge 'into the pit, which our enemies have dug for us on 'one hand, for fear of tumbling over the *imaginary* 'precipice which they frighten us with on the other. 'I am far from thinking we can be under any difficulty in manning all the ships we have occasion for 'in the present war; but suppose we were, there are 'many other remedies, besides that now proposed.'— 'This remedy now under our consideration is the 'very worst that could be thought of. It is publishing our distress to the world, and giving our enemies a just cause to triumph over us. If the *French* 'or *Spaniards* owed us a grudge, they could in no 'way so effectually punish us, as by forcing us to '*destroy* our *constitution*, and *give up* our *liberties*, for 'the sake of defending ourselves against them. Our 'passing such a bill would give great joy to every '*Frenchman* or *Spaniard* that understands any thing 'of our constitution; and as I am against making a 'holiday either in *France* or *Spain*, I must be against 'agreeing to this clause [a].'

A. D. 1741, the house proceeded to the hearing the merits of the *Denbighshire* election, and, the counsel

[a] Deb. Com. xii. 418.

ſel on both ſides being withdrawn, *William Middleton*, Eſq; high-ſheriff of the ſaid county at the laſt election, was called in and heard, and being withdrawn, it was reſolved, that the majority of the votes upon the poll was for the petitioner, Sir *Watkin Williams Wynne*, bart. and was ſo declared by the high-ſheriff at the cloſe of the poll, and no alteration was made in the ſaid poll, until after the high-ſheriff had made the return. Alſo that *John Middleton*, Eſq; was not duly returned, and that Sir *Watkin Williams Wynne*, bart. ought to have been a knight of the ſhire for the ſaid county, and the clerk of the crown was ordered to amend the ſaid return. Then it was further reſolved, that *William Middleton*, Eſq; high-ſheriff of the county of *Denbigh*, at the laſt election for a knight of the ſhire, having taken upon himſelf to return *John Middleton*, Eſq; contrary to the majority of votes received by him upon the poll, and to his own declaration of the numbers at the cloſe of the poll, without any public ſubſequent examination into the rights of the voters previous to ſuch return, and having afterwards preſumed to alter the ſaid poll in order to give colour to ſuch return, has acted partially, arbitrarily and illegally, in defiance of the laws, in manifeſt violation of the rights of the freeholders of the ſaid county, and in breach of the privilege of the houſe; and that he be for his ſaid offence committed priſoner to Newgate. The houſe alſo voted an addreſs to his majeſty to remove the ſaid *William Middleton* from being receiver general of the land-revenue in *North Wales*, and alſo from being one of his majeſty's juſtices of the peace for the counties of *Denbigh* and *Flint* [a].

As

[a] Deb. Com. xiii. 133.

As the election for *Weſtminſter*, *A. D.* 1741, makes a conſiderable article in the buſineſs of this ſeſſion, it may be proper to obſerve, that a great diſturbance having enſued about taking the poll; a party of foot ſoldiers were ſent for by order of three of the juſtices of peace. Theſe proceedings gave riſe to the following remarkable preſentment of the grand jury of *Middleſex* to the court of king's bench on the 17th of *June* following.

Middleſex. 'We, the grand jury of and for the 'body of the county of *Middleſex*, do apprehend, that 'among the many enormities and offences committed 'againſt the public, none deſerve our obſervation and 'cenſure more than thoſe which tend to the ſubverſion 'of the ancient rights of the people to a free *election* 'of their repreſentatives in parliament, in whom they 'repoſe their undoubted ſhare in the government as 'well as conſtitute them guardians of their liberties 'and properties. For we cannot but apprehend, that 'whenever the people ſhall loſe the right of election, 'or, which is the ſame thing, the *freedom* of election, 'and ſhall be obliged to chuſe their repreſentatives, 'under the *awe*, *dread*, or *influence* of any *other* power, 'there muſt be an end of parliaments, or at leaſt of 'the *people*'s intereſt and ſhare therein. Wherefore, 'being ſworn to enquire for our ſovereign lord the 'king, and the body of this county, we upon our 'oaths preſent, That on *Friday* the 8th day of *May* 'laſt, while the election for members of parliament 'for the city and liberty of *Weſtminſter* was depending, 'and before the declaration thereof was made, a body 'of foot guards or ſoldiers, to the number of fifty or 'upwards, headed by officers, did in the afternoon, 'in a military manner, march up near the place of 'polling,

'polling, which practice may be of the moſt *dangerous* 'conſequence to the *liberties* of the people, as contrary 'to *law*, and a *reſtraint* on the *freedom* of elections. 'We, therefore, being *affected* and *alarmed* with a 'due ſenſe and dread of ſo daring a violation and in-'ſult on our freedom and liberties, and the dangerous 'conſequence of *military* power exerciſed in *civil* 'affairs, do recommend it to this honourable court to 'give ſuch order and direction for preventing and diſ-'couraging the like heinous offences for the future, as 'they ſhall judge moſt proper and convenient [a].'

A. D. 1754, four members for *Oxfordſhire* were returned by the ſheriff, inſtead of two. Therefore there was no ſitting member for the county [b]. Any member might have moved the houſe upon this the very firſt day of the ſeſſion; and the ſheriff might have been ordered to attend, and give an account of his proceeding. However, no notice was taken till *November* 18: So that the houſe was not legally ſuch till the county of *Oxford* was repreſented, though it met on the 14th, and did buſineſs. All the four candidates petitioned, *viz.* lord *Parker* (now earl of *Macclesfield)* and Sir *Edward Turner* on the court ſide; and lord *Wenman* and Sir *James Daſhwood* on that of the oppoſition. The friends of the two former moved, that the matter of the petitions ſhould be heard immediately; but thoſe on the other inſiſted, that the merits of the return ought to be firſt heard and determined [c]; which was certainly reaſonable. They therefore moved for the previous queſtion, Whether the queſtion upon this motion ſhould be now put. Becauſe if the previous queſtion

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[a] Deb. Com. xiii. 14.

[b] *Alm.* Deb. Com. v. 153. [c] Ibid. 153.

queſtion had been carried in the negative, they would have had an opportunity to move for appointing a ſhort day to conſider of the return, and for ordering the high ſheriff to attend. But this the court party were againſt, and carried their point, That the matter of the petition ſhould be heard on the 3d of *December* following. Afterwards it was moved by the oppoſition, that the high ſheriff ſhould attend on the day of hearing. But this was carried in the negative [a]. It appeared, that the ſheriff had given a very unfair advantage to the court gentlemen, by allowing them to make their objections to all the voters through the whole poll, before the oppoſition-gentlemen ſhould object to one individual; of which it was impoſſible to go through half before the end of the month, when the writ was returnable [b]. The latter therefore inſiſted, that they were fairly elected, becauſe they had an acknowledged majority, which could not be ſet aſide by ſuch an unfiniſhed ſcrutiny, in which ſcrutiny, beſides, they had not had an equal chance. It was therefore incumbent on the court-gentlemen's counſel to endeavour to overthrow the majority claimed by their antagoniſts. It was carried, that the oppoſition-counſel ſhould proceed to ſhew the general merits of their cauſe. They did ſo, and propoſed to diſqualify no leſs than 540 voters for the court-gentlemen. Then witneſſes were examined for proving the partiality of the ſheriff, and for 'proving lord *Parker* 'and Sir *Edward Turner*, and their agents, guilty of 'bribery; for which purpoſe, they likewiſe produced 'letters, which they proved to be the hand-writing of 'the ſaid two gentlemen [c].' Nine days were ſpent in

[a] *Alm.* Deb. Com. v. 154. [b] Ibid. 156. [c] Ibid. 157.

proving voters on the court-ſide diſqualified. Lord *Parker* and Sir *Edward Turner* anſwered objections againſt the ſheriff, and endeavoured to clear themſelves of the accuſation of bribery, which they retorted upon their antagoniſts. They ſpent ten days in endeavouring to clear their voters. Then they propoſed to ſet aſide 522 of the oppoſite voters, in which they ſpent eleven days. Then the oppoſition-counſel ſpent nine days in their reply. Many ſeparate queſtions were debated, 'moſt, if not all, of which were determined by a great 'majority in favour of lord *Parker* and Sir *Edward* '*Turner*,' the court-gentlemen [a]. A motion was made by the oppoſition, That all copyholders, holding by court-roll, and not at the will of the lord, have right of voting for county-members. This motion was made on purpoſe to have a negative put upon it; but it was ſet aſide by the previous queſtion. Lord *Parker* and Sir *Edward Turner* were declared duly elected [b].

It is a common trick of our miniſters to put a multitude of perſons upon taking up their freedom in boroughs and cities before an election, with a view to their votes, every one of which may be ſuppoſed to be bought. Corporations have ſometimes manfully refuſed to grant freedoms for ſuch purpoſes; as that of *Glouceſter* did about 1767. I took this fact from a Magazine, but have not quoted it right.

The number of petitions complaining of undue elections and returns was ſo great in the firſt ſeſſions of the preſent parliament, that the houſe of commons muſt have employed one long ſeſſion only in ſettling controverted elections, without bringing in any one bill, public or private. Therefore they thought it neceſ-

[a] *Alm.* DEB. COM. v. 158. [b] Ibid. 159.

neceſſary to put off all thoſe petitions to next ſeſſion. How many gentlemen may be ſuppoſed to have ſat and voted during that ſeſſion, who had no right to be there, and whoſe illegal votes did in fact render the acts made in that ſeſſion null and void. See the Magazines, &c. of the times.

Could a more ſolemn farce be acted, than that of a certain *A. D.* which ſhall be nameleſs, when the magiſtrates of a certain famous city were gravely reprimanded by the ſpeaker of the houſe of commons, becauſe they had propoſed to their then preſent members to re-elect them, if they would advance a ſum, not to be ſunk in *private* pockets, but toward relieving the *city* from ſome of its debts? How the ſpeaker could help laughing in the midſt of his ſpeech, when he reflected, that at leaſt two-thirds of the houſe had obtained their ſeats by *more corrupt* means, is not eaſy to underſtand. I ſhould have been ſtrongly tempted, had I been one of thoſe reprimanded citizens, to anſwer his reprimand as follows: 'None of your grimaces, 'pray good Mr. Speaker. You have caught us, and you 'have pounded us, and there is an end of the matter. 'But look around you, and think what lungs you muſt 'have to reprimand all who have *given* and *received* '*money* for *ſeats* and *votes* in this houſe.'

There is nothing new under the ſun. There was a conteſted election between Mr. *Trenchard* and Mr. *Bertie* in *Charles* II.'s penſioned parliament. It was carried for *Bertie*. Lord *O'Brian*, a relation of the lord treaſurer's, went to him in triumph with the news, and told him, they had fairly voted 13 more than 21 [a]. So in the late *Middleſex* election the com-

[a] STATE TRACTS, time of king *William*, II. 476.

mons fairly voted 296 more than 1143. It is true, that Mr. *Wilkes* was known to have no *real* qualification. For there was at that very time a subscription carrying on, to enable him to pay his debts. And (to say nothing of any objections against that gentleman's *character* rendering him unfit to be a legislator) it was certainly not in character for persons assuming to be the *assertors* of the *constitution*, to do so *unconstitutional* a thing, as promoting an *unqualified* person's election into parliament. At the same time, this does not justify the commons in their proceeding on that occasion; upon which I will add here, as a comment, the substance of a *protest* by several lords, as follows;

That the proceeding of the house of commons on that occasion was unconstitutional. That the house ought not to *make* law concerning elections; but only to declare it as it is already made. That election is in the hands of the *constituents*, not of the *house*. That otherwise the house may come to be *self-created*, and the *constituents* thrown out of all *power*. That there is no precedent for making expulsion imply incapacitation. *Walpole* was re-elected by the people, after he was expelled by the house, which shews the sense of the people to be, that expulsion does not incapacitate; but only gives the people leave to re-elect the expelled person, if they please. That according to this way of proceeding, electors may hereafter be obliged to chuse only court-tools, or not chuse at all, if the house may expel and incapacitate arbitrarily. That if the house have, in their own breast, the power of expulsion and incapacitation, they may, in corrupt times, expel and incapacitate every *honest* man. That the house of *peers*, though they ought not to *interfere* in the *proper* and *exclusive* business of the *other* house, yet must interfere,

fere, when they ſee deſigns carrying on, for overturning the *whole parliament*. For the peers cannot make a parliament without a *legal houſe of commons*, any more than without a *legal prince*. That ſilence in ſuch a caſe would be approbation. That the peers are truſtees for the people, and muſt be faithful, elſe the people are left at the mercy of the houſe of commons, without relief from the other houſe. That the peers are the antient conſtitutional counſellors of the crown, and muſt give the king good counſel, even againſt the houſe of commons, if that houſe acts wrong. The lords conclude with the following words.

'And here we ſolemnly pledge ourſelves to the 'public, that we will perſevere in availing ourſelves, 'as far as in us lies, of every right, and of every 'power, with which the conſtitution has armed us, for 'the good of the whole, in order to obtain full relief 'for the injured electors of *Great Britain*, and ſecurity 'for the future, againſt the moſt dangerous uſurpation 'upon the rights of the people, which, by ſapping 'the fundamental principles of this government, 'threatens its total diſſolution.'

The affair appeared to the oppoſition in the houſe of commons ſo *groſs*, that they *roſe* as one man, and *left* the houſe [a].

'At this period it may be ſaid the houſe of commons 'arrived at the height of deſpotiſm. They ſet themſelves in the place of the whole legiſlature, and dared 'by a reſolution to determine the right of the ſubject 'contrary to the known laws of the land, and the liberty 'and property of every ſubject in it. It is agreed, that 'every ſociety has a right to determine on its own

[a] *Alm.* DEB. COM. VIII. 189.

'members; but it must be a society of that nature, 'which by mutual agreement, *constitutes itself*: but if 'such society derives its right from the deputation of 'others, to determine the *rights* of their own *members*, 'would be to determine the right of the *constituents*, 'which no body of *deputies* can do; nor can a society 'framed by the inherent right of each individual, be a 'judge of its own members: a bishop, for instance, or a 'lord of parliament, cannot have his right of voting 'in the house of peers taken away by a vote of the 'house of peers: a judge by a vote of the other 'judges, or a justice of peace by a vote of the bench 'of justices at a quarter sessions.—If the right of a 'member of any society is therefore inherent, or *de-* 'puted, the *society*, of which he is a member, has *no* 'right to eject him from such society, for a longer 'time than till the opinion of those whose represen- 'tative he is, can judge whether the crime for which 'he is ejected is of that nature to disqualify him from 'such service [a].'

A. D. 1771, it was found, and represented to the house of commons, that a majority of the freemen of the town of *Shoreham* in *Kent* had formed themselves into a club, which they profanely called the Christian Club. That the members of this club had entered into bonds to stand by one another at all elections, and to make the most lucrative bargains they could with candidates [b]. That they took the bribery-oath without hesitation, and after the election was over, they received every man his penny, which the successful candidate paid to a committee of the club who did not vote, nor take the bribery-oath. So they pretended

[a] *Alm.* Deb. Com. viii. 133. [b] Ibid. ix. 106, 113.

tended to defeat damnation. The members of this club were disfranchiſed by parliament [a].

In this month of *November*, 1773, Mr. *Kelly* gave up the conteſt for *Worceſter*, publicly declaring, that the *expence* was ſo great, he could not pretend to keep pace with his antagoniſt, though poſſeſſed of a large fortune. According to the *conſtitution*, and laws, every *ſhilling* laid out towards gaining an election is *criminal*; according to the *practice* of the times, a gentleman of *ample* fortune muſt lay out more than he can afford (without beggaring his family) to be elected; that is, in order to have a ſeat among the *legiſlators*, a man muſt do the moſt *lawleſs* thing any ſubject can do; or, in other words, a candidate endeavours to obtain favour with his conſtituents by ſhewing them, that he is capable of *violating* the *laws*, and *deſtroying* the *conſtitution*, before he has an opportunity of convincing them, that he is qualified, by abilities and diſpoſition, for *making* laws, and *ſupporting* the conſtitution [b].

'Miniſters of ſtate' (ſays Sir *William Wyndham*, in the debate on the repeal of the ſeptennial act, *A. D.* 1734) 'know well how unequal the contention is 'between a country gentleman who has nothing but 'his *own eſtate* (greatly exhauſted by the many taxes 'he pays) to depend upon, and miniſterial election-'mongers ſupplied by gentlemen in *office*, who have 'for ſeven years been heaping up money for that pur-'poſe, or perhaps have been ſupplied even by the 'public treaſure of the nation; and the ſooner this 'contention begins, the greater diſadvantage the

[a] *Alm.* Deb. Com. ix. 148.

[b] See the News papers of *Nov.* 1773.

'country gentleman labours under, the more time 'thoſe tools of corruption have to practiſe upon the 'electors, and to diſcover where that money may be 'placed to the beſt advantage, which is offered for 'corrupting the people and overturning the conſti-'tution. From hence it is obvious who have been 'and who will always be the beginners of ſuch con-'tentions [a].'

Bohun's RIGHT OF ELECTION, a ſmall folio, contains little beſides accounts of bribery and corruption at elections, and he takes in only laſt century, when corruption was young. All the while the court has not the ſhadow of a pretence for interfering in elections. The people may always be intruſted with the care of their own affairs; and whoever endeavours to influence them may miſ-lead them; but certainly will not direct them better, than they will direct themſelves. There was an inſtance in the election, *A. D.* 1681. 'Many places followed the example of '*London*, and in moſt places the electors treated the 'candidates, inſtead of the common contrary cuſtom, 'or they bore their own charges [b].' There was likewiſe a parliament in Mr. *Pelham*'s time, which was reckoned to have been elected in a very free manner. And I find in my common-place-book the following, copied from ſome hiſtory of the times. 'The court 'did not meddle in the election, *A. D.* , yet 'there was a very good parliament choſen.' I have omitted adding my authority.

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[a] DEB. COM. VIII. 189. [b] Ibid. II. 99.

CHAP. III.

Statutes, Resolutions, &c. against corrupt proceedings at Elections.

THERE have been various laws and regulations made to prevent, and punish corrupt proceedings at elections. So early as the time of *Edw.* II. who was crowned *A. D.* 1307, we find laws against soliciting votes for elections [a].

See 7 *Hen.* IV. cap. 15. 'The manner of election 'of knights of shires for parliament [b].' And [c] 'the 'penalty on a sheriff for making an untrue return of 'the election of the knights of parliament.' 'It was 'enacted' (says *Elsynge* [d], speaking of this statute) 'at 'the petition of the commons, that proclamation be 'first made in the next county-court, after the she-'riff hath received the writ, of election to be made, '&c. that the election be in full county, wherein 'they shall proceed *freely* and *indifferently*, notwith-'standing any *prayer*, or *commandment*, to the con-'trary. And four years afterwards a fine of 100 *l.* 'was laid on all sheriffs making returns contrary to 'the above statute, and the knight so elected to lose 'his wages. The writ of return to be signed by all 'the voters.'

By 11 *Hen.* IV. cap. 1. the justices of assize were to make enquiry and determine concerning irregular elections and returns; and to punish sheriffs, or others offending.

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[a] ART. CLER. cap. XIV. STAT. WESTM. cap. V. STAT. 7 *Hen.* IV.

[b] STAT. AT LARGE, I. 438. [c] Ibid. 442.

[d] 74. *Rapin*, I. 498.

offending. And by 6 *Hen.* VI. cap. 4, perſons claiming to have been duly elected, and ſheriffs, pleading innocence, may traverſe the ſentence, and have trial, and not be puniſhable, but upon regular conviction at common law [a]. By 1 *Hen.* V. cap. 1. [b] never repealed, no man can be member for a ſhire, city, or borough, unleſs he has property in it, and unleſs it be his uſual reſidence. According to theſe ſtatutes, not one member in twenty ought to ſit in the houſe, who have, of late times, had ſeats in it. We ſee every day, ſome old law *againſt* the *people* trumped up. Why ſhould not thoſe in *favour* of liberty be enforced?

By 3 *Edw.* I. cap. 5. 'there ſhall be no diſturbance 'of free elections [c].' Elections here are not to be underſtood of elections of members of parliament only. Though elections for parliament are the chief, and of ſuch importance, that infringing *their* freedom is *alone* an irremediable poiſon to liberty [d]. By ſundry ſtatutes of *Hen.* VI. &c. members falſely returned are to loſe their wages, and ſheriffs making falſe returns are fineable 100 *l* [e].

In antient times, it is probable, that all the inhabitants of counties had privilege of voting for members (in thoſe times almoſt any body might ſit in parliament in his own right) but this number was thought too unwieldy. Therefore, in the beginning of *Hen.* VI. the right of voting was limited to landholders of 40 ſhillings *per ann.* and 10 *Hen.* VI. it was determined that the 40 ſhillings ſhould be freehold. *A. D.* 1659, under the commonwealth, a bill was brought

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[a] Stat. at Large, i. 498, 571. [b] Ibid. 449.
[c] Ibid. 48. [d] *Rapin*, i. 551.
[e] Stat. at Large, i. 504. et paſſ.

brought in, by which any perſon giving an entertainment to any elector, was incapable of ſitting in the houſe [a].

The famous qualification-act, 1659, diſqualifies, among others, deiſts, blaſphemers, profaners of the Lord's day, profeſſed curſers and ſwearers, drunkards, and thoſe who have given any conditional promiſe or entertainment, or bribe to electors, with heavy penalty on both member and elector [b].

Reſolved, *A. D.* 1685, that no mayor can duly return himſelf a burgeſs, to ſerve in parliament for the borough of which he is mayor, at the time of his election [c].

Reſolutions were made, *A. D.* 1678, againſt bribery at elections, that if any man gives victuals above 10*l.* value, after the *teſte* of the writ of election, or after a place becomes vacant, any where but in his own houſe, or who makes any promiſe or declaration before an election, it ſhall be puniſhable as bribery, the election void, and the candidate incapable of ſitting by that election. To be a ſtanding order of the houſe [d]. It was moved to have enquiry made concerning penſions charged on the revenue; privy ſeals iſſued for that purpoſe ſince 1677; a teſt concerning bribery and corruption in elections; or to carry cauſes or bills in parliament [e].

A. D. 1679, a bill was brought in, that when a member takes a place of profit, a new writ is to be iſſued [f]. See the draught of a bill for regulating the abuſes

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[a] *Macaul.* Hist. v. 314.
[b] Parl. Hist. xxii. 131.
[c] Deb. Com. ii. 172.
[d] Ibid. i. 284.
[e] Ibid. 286.
[f] *Rap.* ii. 706.

abuſes of elections, which was twice read, and committed, by the commons, *Apr.* 5, 1679, and afterwards publiſhed [a], forbidding minors, and perſons of no property, or not reſident for a year, to vote for members; forbidding all manner of treating, feaſting, bribing, promiſing, &c. on penalty of heavy fines, &c.

Bill to regulate elections paſſed, *A. D.* 1690. [b] Bill for free and impartial elections paſſed, *A. D.* 1693. [c] A bill was brought in, and paſſed, *A. D.* 1695, for voiding all elections, where members had been at any expence for victuals, drink, or money, to procure votes. 'It was very ſtrictly penned' (ſays *Burnet* [d]) 'but time muſt ſhew, whether any evaſions 'can be found out to avoid it. Certainly, if it has 'the deſired effect, it would prove one of the *beſt* 'laws ever made in *England*; for abuſes in elections 'were grown to moſt intolerable exceſſes, which 'threatened even the *ruin* of the *nation*.'

An act was paſſed, *A. D.* 1696, by which all returns were to be made according to the laſt determination of the houſe of commons [e]. The famous bill for regulating elections was rejected the ſame year by the king. The commons were offended. The queſtion was put, 'That the king's adviſers were *enemies* to 'their country.' Over-ruled by the previous queſtion; but the firſt queſtion was *printed* in the votes, and *names* on both ſides [f].

By 7 and 8 *Will.* III. cap. 3, it is enacted, That candidates after the teſt of the writ, or after a place becomes

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[a] *Sommers*'s TRACTS, I. 63.
[b] DEB. COM. II. 381. [c] Ibid. 421.
[d] HIST. OWN TIMES, III. 222.
[e] *Tind.* CONTIN. I. 323. [f] Ibid.

becomes vacant, *giving* or *promiſing* any *preſent*, or *reward*, to any perſon having vote, for being elected; ſhall be *incapable* of *ſerving* in parliament [a]. And by the ſame, cap. 7. falſe and double returns are prohibited on penalty [b]. And by the ſame, cap. 25, many regulations are enacted for preventing irregularities at elections [c]. And by 10 and 11 *Will.* III. ſundry regulations are enacted relating to the proceedings of ſheriffs, and to returns, &c. [d]

An act was made 7 *Will.* againſt *multiplying voices* to vote in the elections of members to ſerve in parliament [e]. And by the ſame, no perſon is to give money, promiſe, or entertainment to a voter, after the place becomes vacant, on pain of incapacitation. Falſe, or double returns, or attempts to procure them, are puniſhable. Unneceſſary delay of elections, adjournment to unuſual, or inconvenient places. Splitting of poſſeſſions, to multiply votes. A mortgagee, if the equity of redemption is in another, ſhall not be qualified, unleſs the mortgagee has been in poſſeſſion 7 years before the election. Candidates refuſing to take the oath concerning their qualification, are to void their elections. By the ſame act, fraudulent conveyances, in order to multiply votes at elections, are forbidden. The ſame by 10 *Anne*, cap. 23. [f] The ſame is explained, 12 *Anne*, cap. 5. [g] And 12 *Anne*, cap. 25. [h] is an act for making perpetual that of 7 *Will.* III. againſt fraudulent conveyances. See 9 *Anne*,

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[a] STAT. AT LARGE, III. 199. [b] Ibid. 201.
[c] Ibid. 234. [d] Ibid. 414.
[e] DEB. COM. IV. 258.
[f] STAT. AT LARGE, IV. 483. [g] Ibid. 526.
In the ſame page, ſee an act for regulating elections in *Scotland*. [h] Ibid. 541.

9 *Anne*, cap. 5, an act for securing the freedom of parliament, by further qualifying the members to sit in the house of commons [a]. A bill was brought in, *A. D.* 1711, for preventing fraudulent conveyances, in order to multiply votes [b]. An act against fraudulent conveyances for multiplying votes, *A. D.* 1712, was passed by the Tories [c].

The qualification for county members, 600 *l.* a year clear, for boroughs and cities, 300 *l.* was settled, *A. D.* 1710 [d]. (No qualification required for eldest sons, and heirs of peers, or lords of parliament, or heirs of gentlemen of 600 *l.* and 300 *l.* a year, nor for university members, which is very absurd; because no people are more obnoxious to bribery, than heirs to estates, before they come into possession.) The candidates to make oath, if required by their antagonists, of their being worth so much money before election, or if not within three months after, to be certified in chancery, by the sheriff, or under-sheriff, on forfeiture of 100 *l.* Candidates refusing the oath at election time, if demanded, to void their election [e]. The act was blamed on several accounts; among others, because it excluded traders from representing the trading interest.

Inquiry was made, *A. D.* 1711, concerning false conveyances for multiplying votes for county members, and a bill ordered in for checking corruption in city and borough elections [f]. Carried up to the lords [g].

A bill

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[a] Stat. at Large, iv. 299.
[b] Deb. Com. iv. 258.
[c] Ibid. 309.
[d] Ibid. 187.
[e] Ibid. 189.
[f] Ibid. 258.
[g] Ibid. 299.

A bill for preventing fraudulent conveyances for multiplying votes, was read the firſt time, and ordered a ſecond reading, *A. D.* 1713 [a]. Act to explain a clauſe in the act againſt fraudulent conveyances and falſe multiplication of votes, and others paſſed by commiſſion, paſſed *A. D.* 1713. [b] An act paſſed for regulating elections in *Scotland* [c]. Bill for continuing an act made in the 7 *Will.* entitled, An act to prevent falſe and double returns of members to ſerve in parliament, read once, *A. D.* 1713, and ordered a ſecond reading [d]. A bill ordered in, *A. D.* 1713, for limiting the number of officers in the houſe [e].

A. D. 1713, the houſe, in a grand committee, conſidered the act of the ninth year of her majeſty's reign, entitled, An act for ſecuring the freedom of parliaments, by the farther qualifying the members to ſit in the houſe of commons; and came to the following reſolutions. I. That notwithſtanding the oath taken by any candidate on, or after any election, his qualifications may be afterwards examined into. II. That the perſon whoſe qualification is expreſsly objected to in any petition relating to his election, ſhall within fifteen days after the petition read, give to the clerk of the houſe of commons a paper ſigned by himſelf, containing a rental or particular of the lands, tenements, or hereditaments, whereby he makes out his qualification, of which any perſon concerned may have a copy. III. That of ſuch lands, tenements, or hereditaments, whereof the party hath been in poſſeſſion for three years before the election, he ſhall alſo inſert in the ſame paper, from what perſon, and by what

[a] Deb. Com. v. 12. [b] Ibid. 53. [c] Ibid.
[d] Ibid. 49. [e] Ibid. 4.

what conveyance or act in law he claims and derives the ſame; and alſo the conſideration, if any paid, and the names and places of abode of the witneſſes to ſuch conveyance and payment. IV. That if a ſitting member ſhall think fit to queſtion the qualification of a petitioner, he ſhall within fifteen days after the petition read, leave notice thereof in writing, with the clerk of the houſe of commons; and the petitioner ſhall, in ſuch caſe, within fifteen days after ſuch notice, leave with the ſaid clerk of the houſe, the like account in writing of his qualification, as is required from a ſitting member [a].

The bill for ſecuring the freedom of elections, which paſſed the houſe of commons, *A. D.* 1721, and was thrown out by the lords at the ſecond reading (by colluſion, Mr. *Gordon* ſuppoſes) was to enact, that the writs be faithfully delivered to the returning officer; that all contracts to ſave returning officers harmleſs for making undue returns of members, be null and void, and both parties fineable 1000*l.* each, and incapacitated; that every perſon voting at an election, purge himſelf by oath, before he votes, if required, of all undue influence; fine for refuſal 40*l.* perjury to be puniſhed as uſual, and with incapacitation beſides; that any perſon giving any of the public money to influence an election, be fined 1000*l.* and puniſhed with incapacitation; and that all *Engliſh* members, except the eldeſt ſons of peers, or of perſons qualified for being county-members, and the members for the two univerſities, be obliged before they ſit, or vote, to give in to the clerk of the houſe of commons, a particular of his qualification, as *per* 9 *Anne*;

[a] Deb. Com. v. 62.

9 *Anne*, that there shall be only one election-meeting for each election in *Scotland*.

There was a debate on a bill to secure the freedom of elections, *A. D.* 1722. The bill was rejected. The only reason mentioned was, because 'several clauses 'in it could not be put in execution, they said, with-'out exposing the most innocent persons to the guilt 'of perjury [a].'

By 2 *Geo.* II. cap. xxiv. all electors are, if called upon, to take the bribery oath, disclaiming their having received, or their expecting any kind of emolument, or advantage, in consideration of their vote. The presiding officer forfeits 50 *l.* if he refuses to administer the oath, and the returning officer 100 *l.* for admitting any person to poll without taking the oath, if demanded. The returning officer is likewise to purge himself by oath, on the common penalty, if convicted of perjury, with incapacity of voting ever after. The last determination of the house of commons is to decide finally what votes are legal in every city, or burgh. Persons convicted of taking money, or reward, for voting, to be fined 500 *l.* and incapacitated for ever; if prosecuted within 2 years. But offenders discovering, within one year, others equally guilty, are indemnified [b].

A bill for regulating elections was brought in, *A. D.* 1735, and some progress made in it [c]. Put off. By 8 *Geo.* II. cap. xxx. no military force to be nearer than two miles to any place, where there is an elec-

[a] Deb. Lords, iii. 227 to 232.

[b] Stat. at Large, vi. 123. Deb. Com. vii. 43. Deb. Lords, iv. 15. *Tind.* viii. 46.

[c] Deb. Com. ix. 39.

tion [a]. By 13 *Geo.* II. (which refers back to 10 *Anne*, cap. 23.) ſeveral regulations are made reſpecting qualification of voters [b].

The Duke of *Argyle* propoſed, *A. D.* 1739, that it ſhould be made penal to offer a bribe, as well as to receive it; which would have made bribing difficult and dangerous [c].

Read a ſecond time, *A. D.* 1739, a bill to prevent colluſive qualifications of perſons to vote as freeholders [d]. Paſſed [e]. A bill for regulating the proceedings of returning officers at elections was ordered in, *A. D.* 1741. [f] It was paſſed by the commons, 93 to 92, and afterwards engroſſed, ſent to the lords, and there loſt [g]. Another for diſabling penſioners to ſit [h], was read once [i].

By 16 *Geo.* II. cap. 11. regulations are made reſpecting elections in *North Britain* [k]. By 18 *Geo.* II. cap. 18. the laws relating to the election of knights of the ſhire in *England* are explained and amended [l]. By 19 *Geo.* II. cap. 28. various regulations are made reſpecting elections of members for ſuch cities as are counties of themſelves [m].

A. D. 1742, three bills were ordered into the houſe of commons for regulating elections [n]. The ſame year the bill for regulating elections in *North Britain* paſſed [o]. And another relating to county elections in *England* [p].

Several

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[a] STAT. AT LARGE, VII. 50. [b] Ibid. 372.
[c] DEB. LORDS, VI. 398. [d] DEB. COM. XI. 320.
[e] Ibid. 322. [f] Ibid. XIII. 271. [g] Ibid. 135.
[h] Ibid. [i] Ibid. 136.
[k] STAT. AT LARGE, VIII. 41. [l] Ibid. 154.
[m] Ibid. 217. [n] DEB. COM. XIV. 195.
[o] Ibid. 212. [p] Ibid. 218.

Several bills for quieting corporations, and regulating their elections, were read by the peers, *A. D.* 1742.[a] Read a 1st time, *A. D.* 1742, a bill for explaining and amending the election laws, and for restraining the partiality and regulating the conduct of returning officers[b]. Too good a bill to come to a 2d reading. A bill passed the commons, *A. D.* 1742, relating to county elections in *England*, to prevent the bad effects of partiality in returning officers[c].

A. D. 1745, was passed the act for regulating elections for shires in *England*[d]. An act passed, *A. D.* 1757, prohibiting on penalty, all persons voting at elections who hold estates by copy of court roll[e].

According to law, there must be no feasting, or other electioneering work, *after* the *writs* are out. Mr. *Beckford*, late lord mayor of *London*, moved the house of commons, for leave to bring in a bill to stop feasting and electioneering at *all* times, and to oblige the *candidate* to take an oath, that he has not *bribed*, as well as the *elector*, that he has not *been* bribed. The motion was over-ruled. It was feared, it would pinch too *close*.

A. D. 1760, a motion was made in the house of commons for an instruction to a committee, that they have power to receive a clause, or clauses, for restraining the judges from taking *fees*, *gifts*, *entertainments*, &c. from any city, borough, sheriff, under-sheriff, &c. on their circuits, and from officers in the courts of law. The motion was over-ruled. See 20 *Edw.* III. ch. 1. and 13 and 14 *Ch.* II. 21. sect. 1, 2. An-

[a] Deb. Lords, viii. 482, *et passim*. [b] Ibid. 208.
[c] Deb. Com. xiv. 218.
[d] *Alm.* Deb. Com. ii. 313. [e] Ibid. v. 222.

other motion was at the same time made, That it be an instruction to the said committee, that they have power to receive clauses for restraining judges, barons, justices, &c. from interfering otherwise than by giving their *own votes* in elections for members of parliament. This motion was likewise rejected [a].

A. D. 1773, a motion was made for leave to bring in a bill for preventing the gross abuse of *occasional* voters in places where all the inhabitants have right of voting. The motion was, through fear of its success, withdrawn [b]. *Elections* have been *stopped* to wait the arrival of *waggons* filled with occasional voters.

Mr. *Hutcheson* had proposed, *A. D.* 1722, that the *committee* for privileges and elections be *select*, consisting of 36, and to have power to hear and determine all matters without bringing contested elections before the house [c]. It was observed, that this was the practice both before and after Queen *Eliz.* and was only broken off in the long parliament 1641, when all things went into confusion. The motion was dropped. But, *A. D.* 1770, Mr. *Grenville* moved the house of commons that a remedy should be provided for 'the infamous manner 'in which the house exercised its jurisdiction on 'elections. That it was the constant barefaced pro-'cedure of every petitioner to solicit the attendance of 'each member. At first he would only ask you to 'attend to his *merits*; but if you promised that, he 'would ask,' "Well, but will you attend *for* me?" '—And Mr. *Grenville* was sorry to say, that even this 'request was too frequently granted on all sides—nay, 'that

[a] Lond. Mag. *April*, 1760, p. 177.

[b] See the News-Papers of *March*, 1773.

[c] Deb. Com. vi. 285.

'that in every election-cauſe, a few members were 'dignified with the appellation of *managers*; a very 'proper appellation for thoſe, who immediately after 'were to be made *judges*. That it was alſo the cuſtom 'for the *benches* to be exceeding *thin*, when the cauſe 'was to be *tried*, but before the *queſtion* was put, the 'houſe became exceeding *full*, as the members, who 'had thus promiſed their attendance, looked on 'nothing more as neceſſary than to give their votes. 'At dinner time, many made no ſcruple, though 'the cauſe was not determined, of *pairing off*, as it is 'called; ſome paired off for every queſtion in the 'election, others for a day, or a few hours only—It 'was even got to ſo notorious a point, that at the be-'ginning of every election-cauſe, ſome queſtion was 'brought on, to try their ſtrength, as it is called, and 'the party, who are the weakeſt in *numbers*, though 'often the contrary in *merits*, are forced to give up to 'a cold and fruitleſs expence.—In ſhort, he appealed 'to the conſciences of every gentleman in the houſe, 'whether any of them would chuſe to determine their '*property* before the houſe of commons, if a jury of '*porters*, or chairmen, could be obtained for that pur-'poſe. That he mentioned this as a grievance very 'proper to be redreſſed, and that if the houſe was of 'his opinion, he would name a day when he would 'make a motion for leave to bring in a bill for that 'purpoſe.' The notoriety of the affair made the whole houſe concur in his ſentiments, and a day was appointed for a motion to be made—every gentleman who ſpoke on the ſubject, adding ſome freſh reaſons to ſhew the neceſſity of ſuch a motion [a]. He ob-

[a] *Alm.* DEB. COM. VIII. 240.

ſerved, that when conteſted elections were tried before the houſe, or a committee of the whole houſe, matters were very ſuperficially examined; 'gentlemen 'having no particular tie of oath or honour upon them, 'contented themſelves with giving their vote without 'examining as they ought, ſheltering themſelves under 'the numbers who did the ſame.' [That is, in plain *Engliſh*, gentlemen, in order to avoid a little trouble, betrayed the intereſt of their country, excuſing this ſhameleſs practice by the numbers who were guilty of it.] He obſerved, that in former times, down to the revolution, tryers of petitions were appointed, from among the moſt reſpectable of the lords. Afterwards petitions were heard by the whole houſe of peers. Then the chancellor taking too much upon him, the houſe of commons appointed a committee of 200. But in the ſpeaker *Onſlow*'s time, petitioners were, on account of his known ability and impartiality, deſirous of having their cauſes heard before the houſe rather than before a committee. But this could not be general. Therefore Mr. *Grenville* propoſed, that all complaints of undue elections ſhould be tried by a ſmall number of the members drawn by ballot, and ſworn in the manner of a jury; their deciſion to be final, excepting in diſputes concerning right of election, which ſhould be referred to the houſe, and decided according to preſcription; no member to be twice drawn, but by his own conſent, &c. It paſſed into a law, to be in force ſeven years; and may perhaps be of *ſome* ſervice, though it can do but little toward a *radical* cure of the evil. For, ſuppoſing the *generality* of a houſe of commons to be under *corrupt* influence, the majority of any *committee* drawn from thence by ballot, or any how, will be under the *ſame* influence.

Theſe

Theſe *partial* reformations *amuſe* the people, and by *diſappointing* their ill-founded expectations, *diſcourage* them againſt ſuch propoſals, as would prove *effectual*. This is the fatal effect of letting abuſes alone ſo long, till becoming inveterate, and ſeizing the vitals of the conſtitution, they are not to be removed but by methods too rough as well as too operoſe for the *inertia* of the people, who will let themſelves be totally enſlaved, rather than engage in ſuch a ſcheme for redreſs, as may be attended with ſome difficulty and danger; as a corpulent, lethargic patient, who chuſes rather to die of a complication, than enter upon a courſe of rough and ſearching remedies.

CHAP. IV.

Of Miniſterial Influence in the Houſe.

TO endeavour to gain an undue influence over the members of the houſe of commons, is an old trick of our worſt kings and miniſters. It is true, they often carried things with a high hand, ſecure of what parliament ſhould take well or ill. But violent meaſures are always dangerous; and it was uncertain how far the people's patience would bear. What was done under the umbrage of parliament had the appearance of juſt and conſtitutional government, and was likely to hold the longeſt. Our crafty ſtateſmen, therefore, choſe to have parliament with them as much as they could.

'We think ourſelves ſafe, ſays *Nedham*, becauſe we 'have *parliaments*; but we do not conſider, that we 'may be as effectually ruined by *corrupt* parliaments

'as by ambitious tyrants. And corruption long eſtab-
'liſhed becomes a part of the *conſtitution*, and grows
'more and more *difficult* to eradicate. We under-
'ſtand our conſtitution to be in danger, not only when
'it *is* attacked, but as ſoon as a breach is made, by
'which it *may* be attacked; and we underſtand this
'danger to be greater or leſs in proportion to the
'breach that is made, and without any regard to the
'probability or improbability of an attack. This ex-
'planation of our meaning is the better founded,
'becauſe the nation hath an undoubted right to pre-
'ſerve the conſtitution not only *inviolate*, but *ſecure*
'from violations [a].'

'If (ſays *Voltaire* [b]) in *Holland* and *England*, the
'ſtates had conſiſted only of nobles and clergy [with-
'out an aſſembly of deputies] the balance of *Europe*
'had not been in their hands in the year 1701.' And if the houſe of commons of *England* comes to be, through the influence of corruption, ſo enſlaved to the court as to have no will of its own,—need I to add the conſequence? If parliaments be good for any thing, independent parliaments are alone good for any thing. Suppoſe a parliament dependent on the court; and you make it a licenſed tyranny, inſtead of a free government; a burden and an incumbrance, inſtead of an advantage. If elections into the houſe, and votes in it, are good for any thing, *free* elections and votes are *alone* good for any thing. In an *influenced* election, or *dictated* vote, the influencing miniſter is the nominator of the member, and the *ſole* legiſlator.

By 2 *Geo.* II. cap. 24. the laſt determination of the houſe of commons is to decide finally what votes ſhall be

[a] DISSERT. ON PARTIES, 215.
[b] ESS. SUR. l'HIST. II. 187.

be legal in every city, or burgh. But a corrupt houſe of commons will naturally throw the votes into the hands of the corporation, rather than of the inhabitants at large, becauſe it is eaſier to bribe a few than many, this power is therefore lodged in wrong hands, conſidering the character of our modern houſes of commons.

If a reſolution of the houſe of commons is thus to determine who has right of voting, ſurely the independency of the houſe of commons is a matter of infinite conſequence. For a corrupt houſe may, by a reſolution, reduce the 5,700 voters, who now ſend in the majority of the members for *England*, to 1000. They may throw the power of ſending the members into the hands of the king and council, and deprive the people of even the *mockery* of *chuſing* repreſentatives; which is all they have at preſent.

'*Parliamentaria comitia veteres*, &c. Parliament 'has power to repeal old laws, and to eſtabliſh new; 'to make regulations for times preſent and future. 'Parliament can decide all matters of property; it can 'give legitimacy to the ſpurious; it eſtabliſhes pub-'lic worſhip; appoints weights and meaſures; deter-'mines the ſucceſſion to the crown; decides all con-'troverſies without appeal, where there is no law by 'which to judge; it lays on taxes; it pardons offen-'ces; it ſupports the oppreſſed and puniſhes the oppreſ-'ſor; it has power of life and death; it has, in 'ſhort, the power of doing whatever could be done 'by the *comitia centuriata*, or *tribunitie*, that is to ſay, 'by the whole people of *Rome* [a].'

The

[a] *Thom. Smith.* De Repubᴌ. Angᴌ. 167.

The houſe of commons claims to itſelf, as we have ſeen above, many important and intereſting privileges, and runs far into the executive, inflicting, in conſequence, not of the known laws of the land, but of the undetermined *lex et conſuetudo parliamenti*, various pains and penalties upon the ſubjects, its creators. It is therefore of great conſequence to the people, that this irreſiſtible aſſembly be as little as poſſible obnoxious to every evil byaſs and influence.

The ſycophants, who ſurround our kings, tell them, all is well. Here is a parliament regularly aſſembled every year. And every thing of conſequence is carried on according to the letter of the law, and the cuſtoms of our anceſtors. The ſame might have been ſaid in the time of *Auguſtus*, and all the beſt of the *Roman* emperors. There were conſuls, ſenators, tribunes, prætors, as in the republican times. But the efficiency was all in the emperor and his court, and army [a]. So, in our times (the preſent always excepted) we have ſeen parliaments regularly choſen —by bought votes, and court-influence; and regularly proceeding in the houſe—according to the orders of the miniſtry.

A writer [b] in king *William*'s time ſtates the matter fairly. 'The corrupting of parliaments (ſays he) 'defeats all our hopes, poiſons us in our mother's milk, 'murders us by the hands of our parents, infects the 'only cordial, that can preſerve our being, makes us 'acceſſory to our own fate, betrays us by the hands 'of thoſe, whom we chooſe to repreſent us, makes 'us ſlaves to our protectors,' &c.

A little

[a] *Tacit.* ANN. paſſ.

[b] ST. TRACTS, time of king *William*, II. 646.

A little matter wrong in a thing of ſuch conſequence as a parliament, may do great miſchief. A miniſterial ſpeaker of the houſe of commons may throw the whole debate into the hands of his own party, if a reſolution be carried, That the member, to whom the ſpeaker points, ſhall be heard. And there is nothing to hinder the paſſing of ſuch a reſolution in a miniſterial houſe of commons. The cuſtom has been for the *houſe* to decide, when a debate aroſe, which member was up firſt, unleſs they choſe to leave it to the ſpeaker. Attempts have lately been made to change this cuſtom [a].

'Foreign nations ſay, and ſay truly, that a king of '*England*, in conjunction with his parliament, is as 'great and dreadful a prince as any in *Europe*.' Chancellor *Finch*'s ſpeech at the opening of *Charles* II.'s third parliament. But this is ſuppoſing the parliament honeſt to the people [b].

'The corruption of governments (ſays the czarina [c]) 'generally begins by the corruption of its principles.' The principle of government in a free ſtate is, The people's love of their country. The principle of the *Britiſh* government is, An independent houſe of commons. If that be ſafe, all is ſafe. If that be violated, all is precarious.

'Parliament, the fountain of juſtice, ought to be 'preſerved pure from corruption, and free from par-'tiality, which would add not only luſtre, reputation, 'and honour, but authority to what is done in 'parliament. All mens eſtates and liberties are pre-'ſerved under the ſafe cuſtody of parliament. This 'moveth

[a] *Alm.* Deb. Com. ix. 233.
[b] Deb. Com. i. 320. [c] Instr. 190.

'moveth us to be careful of any thing that may pre-'judice parliament in point of integrity [a].'

The leaſt appearance of corruption, where all ought to be virgin purity, is execrable. 'In parli-'ament' (according to the duke of *Gloceſter* and biſhop of *Ely*, in their ſpeeches to *Rich.* II. in his 12th year, at *Eltham*, *A. D.* 1389, handed down to us by the old hiſtorian *Knighton* [b]) 'all equity 'ought to ſhine forth without the leaſt cloud or ſha-'dow, like the ſun in his meridian glory,' &c. The ſtate is a ſhip, and it ſails in a ſea of corruption. If there were the ſmalleſt chink in the veſſel, corruption would flow in. But we open our loweſt gun-ports, to let it in freely.

'When a private man receives any advantage to 'betray a truſt; one, or a few perſons, may ſuffer. 'If a judge be corrupted, the oppreſſion is extended 'to greater numbers. But when legiſlators are bribed, 'or, which is all one, are under any particular en-'gagement, that may influence them in their legiſla-'tive capacity, then it is, that we may expect injuſ-'tice to be eſtabliſhed by law, and all thoſe conſe-'quences which will inevitably follow the ſubverſion 'of the conſtitution, as ſtanding armies, oppreſſive 'taxes, and ſlavery; whilſt the outward form only 'of the antient government remains to give them 'authority [c].'

The government of *England* has all the advantages, ſays *Voltaire* [d], of monarchy, ariſtocracy, and demo-cracy, but it is liable to their inconveniences; ſo that it cannot ſubſiſt, but under a wiſe prince. He had come

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[a] *Rap.* II. 383.
[b] *Petyt's* MISCEL. PARL. 50.
[c] *Fletcher*, 76.
[d] ESS. SUR l'HIST. II. 113.

come much nearer the truth, if he had ſaid, it cannot ſubſiſt but with an incorrupt houſe of *commons*.'

Suppoſe our court ſhould take the legiſlative power into its own hands, and omit calling a parliament for 7 years together. Should we not ſay, 'Chaos is come 'again?' What is the difference to the nation between calling no parliament and calling a ſet of bribed ſlaves the ready tools of the court? The reader ſees, I mean no reflexion on the preſent immaculate parliament.

'If the people of *England* once be corrupted in that 'which is the fountain of their liberties, their own 'repreſentatives in parliament aſſembled, they muſt 'expect nothing but the flowings forth of tyranny 'and miſchief upon them, in and by their very laws, 'and that which ſhould be their chief and only remedy 'againſt all other evils, would by this means become 'the greateſt cauſe and author of them.' Parliament's anſwer, 1650, to a canting manifeſto of *Charles* II. in *Scotland* [a].

'The high court of parliament is the moſt certain 'and conſtant guardian of liberty; but if it be de-'prived of its own liberty, it is left without life or 'power to keep the liberty of others. If they ſhould 'bring parliament to be ſubject to the king's plea-'ſure, to be correſpondent, as they call it, to the 'king's will, in the midſt of ſuch evil counſellors as 'are now predominant, there would little or no cure 'be left, for then all things that are moſt miſchievous 'would ſeem to be done by law and authority.' *Pymme*'s ſpeech at Guildhall [b].

Our artleſs anceſtors, on moſt occaſions, and particularly in framing the bill of ſucceſſion, ſhew, that they

[a] Parl. Hist. xix. 379. [b] Ibid. xii. 292.

they took it for granted, a *parliament* would never conſent to any thing *wrong* in compliance with the court. 'England ſhall not go to war on account of any 'foreign dominion belonging to any future ſoveraine, 'without conſent of parliament. The ſoveraine ſhall 'not quit the kingdom *without conſent of parliament.*' &c. [a] Little did they think of a time coming, when conſent of parliament might be obtained to any thing the miniſtry ſhould aſk.

Quid quiſque vitet nunquam homini ſatis
Cautum eſt in horas. Hor.

Yet they ſeem, at ſome periods, to have been jealous of the encroaching diſpoſition of miniſters, and aware of the truth of the doctrine, which this ſection teaches, *viz.* That corrupt parliaments are ſlaves to miniſters; for 'it has been criminal formerly in a ſpeaker 'of the houſe of commons to go to court,' ſays the author of Conſiderations on the choice of a ſpeaker, &c. [b]

A late writer ſays, he ſhall 'conclude the principle 'of parliament to be totally corrupted, when he ſees 'two ſymptoms, *viz.* 1. A rule of indiſcriminate ſup-'port to all miniſters; becauſe this deſtroys the very 'end of parliament as a controul to miniſters, and is 'a general previous ſanction to miſgovernment. 2. 'The ſetting up of any claims adverſe to free election; 'for this tends to ſubvert the legal authority, by which 'they ſit.' How much we want of ſeeing theſe ſymptoms in their perfection, let the reader judge.

It is miſerable to obſerve, in reading the PARLIAMENTARY

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[a] DEB. COM. III. 130.

[b] ST. TRACTS, time of king *William*, II. 651.

MENTARY HISTORY, the DEBATES of the lords and commons, the MAGAZINES, REGISTERS, &c. that the ſenſe and the patriotiſm are almoſt always (our own virtuous times excepted) on the ſide of the proteſting lords, the minority in the houſe of commons, and the writer of the MAGAZINES or REGISTERS, and againſt the proceeding of the houſes, which are oftenest wrong-headed, or wrong-intentioned. Yet our houſes of parliament take in grievous dudgeon any reflexion on their wiſdom or integrity, and wonder, that the people ſhew a want of reſpect for them, though the people ſee plainly, that a Magazine-writer has more ſenſe, or more integrity, than the majority of the two houſes. Which ſtrange phænomenon can only be aſcribed to miniſterial poiſon working in the houſes.

'Every body knows, that the antient dread of this 'nation was of the prerogative. Leſt our princes ſhould, 'like thoſe of *France*, grow weary of parliaments, 'and reſolve to govern by will and pleaſure. Every 'body knows likewiſe, that the reaſon of our tender 'concern for, and attachment to parliaments, was a 'long eſtabliſhed perſuaſion,—That by their aſſiſtance 'our grievances would always be redreſſed; That un-'der their umbrage, our liberties would always be ſafe. 'But even our very princes were originally and con-'ſtitutionally no more, than the guardians of theſe 'liberties; and if they could be capable of breach of 'truſt, might not our parliament likewiſe deviate into 'the ſame crooked road? If therefore thoſe princes, 'on conviction that it was not only vain, but a deſpe-'rate undertaking, to wreſtle with parliaments, ſhould 'find it expedient to compromiſe the affair with them, 'and agree to divide the commonwealth between 'them, would not parliaments themſelves become a 'grievance?

'grievance? Would not our repreſentatives become our 'maſters? Would not their conſtituents become their 'ſlaves? Thus, if the court's governing *without* a 'parliament was juſtly the object of our terror; if its 'governing *with* a parliament was as juſtly the object 'of our wiſhes; its governing *by* a parliament would 'be an infallible method not only to compaſs but 'give ſanction to our ruin. With regard to the firſt 'of theſe governments, our terrors have long ſlum-'bered. For while we ſo freely give, why ſhould the 'ſovereign take? And with regard to the laſt—*Hinc 'illæ lachrymæ.*—We have in theſe papers proof to 'demonſtration, that from a certain period our parlia-'ments have done what they ſhould have left undone, 'and have left undone what they ſhould have done; 'That to the calls of the crown they have always an-'ſwered; That to the cries of the people they have 'been always deaf; That they have purchaſed on one 'hand only to ſell on the other; That they have waved 'their privileges in compliment to the prerogative, 'and put them to the ſtretch, to oppreſs and ſubdue 'the ſubject; That inſtead of redreſſing grievances, 'they have authorized them; That inſtead of proſe-'cuting malefactors, they have ſkreened them; and 'that inſtead of protecting and defending the rights of 'their conſtituents, they have perfidiouſly betrayed 'them. Hence it is manifeſt, that the conſtitution is 'every where undermined, and at the firſt ſound of 'the trumpet, like the walls of *Jericho*, it will ſink at 'once into a heap of ruins. In vain do we amuſe 'ourſelves with the hope that ſome future parlia-'ment will rectify the evils committed or con-'nived at by the paſt. Had we any chance of work-'ing out our own ſalvation, as it hath been once

'already

'already obſerved, 'tis more than probable we ſhould 'not be truſted with the opportunity. By the ſame 'violence that one parliament, choſen but for three 'years, could prolong their own ſitting for ſeven, any 'other may preſume to render themſelves perpetual. 'Experience ſhews us, that the writ of election to a 'borough, and the *conge d'elire* to a dean and chap-'ter, already operate in pretty much the ſame man-'ner; That thoſe in power are always ſure of finding 'or making a majority in both houſes; That the 'dictates of the privy council, or firſt miniſter, are 'uniformly received by that majority as laws; That 'the grand ſecret of government is to fleece with one 'hand and corrupt with the other; and that the ſole 'relic of the people's power, is the glorious privilege 'to ſell themſelves as often as they are favoured with 'leave to make a new election. So fatally true is the 'maxim of that great ſtateſman *Burleigh*, that *Eng-'land* can never be undone but by a parliament. In 'a word, ſo great is the influence of the crown be-'come, ſo ſervile the ſpirit of our grandees, and ſo 'depraved the hearts of the people, that hope itſelf 'begins to ſicken; and thoſe who are diſpoſed to go 'fartheſt in the cauſe of the commonwealth, are on the 'point of crying out, "If the people will be enſlaved "let them be enſlaved." Let it then be recollected 'in this our day, that even the authority of parlia-'ment has a bound: That they are not empowered 'to ſell, but to ſerve, their conſtituents: That who-'ever accepts of a truſt is anſwerable for the exerciſe 'of it: That if the houſe of commons ſhould make 'ever ſo ſolemn a ſurrender of the public liberties into 'any hand whatever, that ſurrender would be *ipſo 'facto* void: That if the people have reaſon to appre-

'hend any such conspiracy against them, they have a 'right not only to put in their protest, but to renounce 'the deed, and refuse obedience: That in such a 'case, the delegation they had made would be dis-'solved: That consequently all authority would re-'turn into the hands of those who gave it; and with 'one united voice they might call on the prerogative 'to do them justice by dismissing such unfaithful 'servants, and enabling them to make a new choice[a].'

So clumsy have our courtiers been as to insist openly on the propriety of ministerial influence in the house of commons, as appears by lord *Digby*'s words in his speech against *Walpole*, *A. D.* 1741. 'Sir, It is a 'new doctrine in this nation, and absolutely incon-'sistent with our constitution to tell us that his ma-'jesty may and ought, in the disposal of offices or 'favours, to consider gentlemen's behaviour in this 'house. Let his majesty be ever so well convinced of 'the wisdom and uprightness of his measures, he 'ought not to take the least notice of what is said or 'done by any particular man in this house. He is a 'traitor to our constitution that advises his majesty to 'do so[b].'

Nothing can be imagined more impudent, than the attempt of some among us, to lull our jealousy, which needs all the eyes of *Argus*, asleep, by telling us, it is impossible, that 800 lords and commons should ever take part with the enemies of their country, or its liberties. Do we not know, that in the four last years of queen *Anne*'s reign, a majority in the house of commons, and a very great number in the other, were

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[a] Use and Abuse of Parl. ii. 714.

[b] Deb. Com. xiii. 198.

were in the intereſt of *France* and the pretender, and that if that ill-adviſed princeſs had not dropped at the time ſhe did, the nation was in the utmoſt danger of being ſacrificed. See all the hiſtories of thoſe times.

The majority of the commons, *A. D.* 1709, were whigs. In the laſt four years they were tories. Such is the influence of the court over the commons [a]. For the court interpoſes both in the elections of members, and in their votes in the houſe.

How therefore judge *Blackſtone* could bring himſelf to write the following ſentence, is to me inconceivable. 'The check of *parliamentary* impeachment for 'improper, or inglorious conduct, in beginning, con-'ducting, or concluding a national war, is, in gene-'ral, *ſufficient*, to reſtrain the miniſters of the crown 'from a wanton, or injurious exertion of this great 'prerogative.' Was the check of parliamentary impeachment ſufficient to reſtrain the worthleſs miniſtries, who conducted and concluded two wars in a moſt infamous manner, one in the memory of ſome, and the other of many now living, I mean the wars, which were terminated with the diſgraceful treaties of *Utrecht*, and of *Aix-la-Chapelle*? How could a man do his country a greater injury, than by thus labouring, as the judge does through almoſt his whole book, to perſuade, that *every thing is right*, when there is *ſo much requiring redreſs*?

'As private liberty cannot be deemed ſecure under 'a government, wherein law, the proper and ſole 'ſecurity of it, is dependent on will, ſo public liberty 'muſt be in danger, whenever a free conſtitution, the 'proper and ſole ſecurity of it, is dependent on *will*;

[a] Deb. Com. vi. 60.

'and a free conſtitution, like ours, is dependent on 'will, whenever the will of *one* eſtate can direct the 'conduct of all *three* [a].' By the will of one eſtate the author means the will of the king, the court, or the miniſtry; which three terms are always, in our *Britiſh* politics, to be conſidered as exactly ſynonimous.

It is ſhocking to an *Engliſhman* to read the account given by a *French* author of the ſtate of parliamentary corruption in our country. Tell it not in *Gath:* Publiſh it not in the ſtreets of *Aſkalon*. No ſooner, ſays *Reynel* [b], is parliament met, than the parties are formed; the canvaſſing begins, and the cabals claſh againſt one another. Thoſe who hold the firſt places in the government, endeavour to gain, by the penſions, places, and favours, which are in their diſpoſal, ſuch members as they ſtand in need of. King *William* ſaid, If a king of *England* had places enough to give, the names of whig and tory would ſoon be loſt. Thoſe, who are neglected, unite in violently declaiming againſt ſuch as have ſuffered themſelves to be gained, &c. And again [c], 'The peers, eſpecially 'the biſhops, have not that credit in the nation, 'which they ought naturally to poſſeſs; becauſe it 'is imagined, they are almoſt all dependent on the 'court, either on account of favours received, or 'hoped for.'

'By our conſtitution,' (ſays Sir *William Wyndham* in the debate upon the motion for repealing the ſeptennial act, *A. D.* 1734) 'the only legal method we 'have of vindicating our rights and privileges againſt 'the incroachments of ambitious miniſters is by par-'liament;

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[a] Dissert. upon Parties, 216.

[b] Hist. Engl. Parl. 277. [c] Ibid. 279.

'liament; the only way we have of rectifying a weak 'or wicked adminiſtration is by parliament; the only 'effectual way we have of bringing high and powerful 'criminals to condign puniſhment is by parliament. 'But if ever it ſhould come to be in the power of the 'adminiſtration to have a majority of this houſe de-'pending upon the crown, or to get a majority of 'ſuch men returned as the repreſentative of the people, 'the parliament will then ſtand us in no ſtead; it 'can anſwer none of theſe great purpoſes. The 'whole nation may be convinced of the weakneſs or 'the wickedneſs of thoſe in the adminiſtration, and 'yet it may be out of the nation's power in a legal 'way to get the fools turned out, or the knaves 'hanged. This misfortune, Sir, can be brought upon 'us by nothing but by bribery and corruption, and 'therefore there is nothing we ought to guard more 'againſt [a].'

Aſk the king (for the time being) whether he thinks he ſhould be in danger of loſing the crown of theſe realms, if he did not bribe. He will anſwer with indignation, that his throne is eſtabliſhed upon a much ſurer foundation. Aſk the miniſtry, whether they think they muſt loſe their places, or their heads, but for bribery. They will perhaps anſwer, as their betters did, when juſtly charged, 'Man, I know not 'what thou ſayeſt.' Aſk the bribing lord, who has half a dozen rotten boroughs in his ſleeve, whether he means, by giving the beggarly perjured voters money, to biaſs them from electing according to their conſciences. He will anſwer, He had rather die, than injure his dear country. Aſk the bribing can-

[a] Deb. Com. viii. 192.

didate, Whether, knowing himſelf not likely to be choſen for his *merit*, he means to *buy* a ſeat. He will anſwer, He goes into the houſe merely with the view of ſerving his country. Aſk the venal member, Whether he plunders his country of 500 *l.* a year as a reward for conſulting, in every vote, her good. He will anſwer, He votes ſpontaneouſly, and without any view to the miniſter's approbation. Aſk the *Corniſh* elector how he anſwers to his conſcience the ſelling of his country. He will anſwer, He takes the money, and votes *according* to his conſcience. Thus, from our kings (who indeed have the leaſt hand in the plot) down to our bought borough-voters, no one, of either the givers or receivers, can give any account why any thing ſhould be given or received.

'Thoſe men are undoubtedly guilty of treaſon, 'who, being entruſted with the wealth, ſecurity, and 'happineſs of kingdoms, do yet knowingly pervert 'that truſt to the undoing of that people, whom they 'are obliged, by all the ties of religion, juſtice, ho-'nour and gratitude, to defend [a].' Treaſon equally extends to thoſe, who would ſubvert either houſe of parliament, or the rights and privileges of the people, as to thoſe who attempt to deſtroy the perſon of the king, or dethrone him. For, what could be more abſurd, than to ſuppoſe it to be the higheſt crime to attempt to deſtroy *one man* becauſe this *one man* is a king; and yet not to ſuppoſe it the higheſt crime to deſtroy that *people* for whoſe benefit *alone* he was *made* king, and for whoſe ſake indeed there ever was ſuch a thing, as a king, in the world.

The

[a] CATO'S LETT. I. 74.

The great corrupt the people, (ſays Mr. *Gordon*[a]) by all manner of ways and inventions, and then reproach them for being corrupt. A whole nation cannot be bribed; and if its repreſentatives are, it is not the fault, but the misfortune of the nation; and if the corrupt ſave themſelves by corrupting others, the people who ſuffer by the corruptions of both are to be pitied, and not abuſed. Nothing can be more ſhameleſs and provoking than to bring a nation by execrable frauds and extortions, againſt its daily proteſtations and remonſtrances, into a miſerable paſs, and then father all theſe villainies upon the people who would have gladly hanged the authors of them. At *Rome* the whole people could be entertained, feaſted, and bribed; but it is not ſo where the people are too numerous and too far ſpread, to be debauched, cajoled and purchaſed; and if any of their leaders are, it is without the people's conſent. There is ſcarce ſuch a thing under the ſun as a corrupt people, where the government is uncorrupt; it is that, and that alone which makes them ſo; and to calumniate them for what they do not ſeek, but ſuffer by, is as great impudence, as it would be to knock a man down, and then rail at him for hurting himſelf.

Thoſe, who complain of corrupt and wicked miniſters, and of the miſchiefs they produce, do in fact (as obſerved by Mr. *Hume* in his IVth POLIT. ESS.) moſt ſeverely ſatirize the conſtitution. For a good conſtitution would effectually exclude, or defeat, the bad effects of a corrupt adminiſtration. Is there, or has there been, corruption in parliament? I ſhould

[a] TRACTS, I. 338.

wonder if any man would deny, that corruption *ever* prevailed in a *Britiſh* parliament. If it has, the conſtitution muſt be faulty, and wants to be amended. The revolution ſtopped up only ſome, not all the leaks in the veſſel of the ſtate.

Tindal owns that the conſtitution was not fully eſtabliſhed at the revolution, owing to conteſting parties [a].

'When the legiſlative and executive powers are 'united, there can be no public liberty [b].' They will be united in *England*, whenever parliaments come to be, through the influence of corruption, at the abſolute command of the court. This is the danger of all dangers; the evil of all evils.

Nothing can be imagined more cruel, than the diſappointment an unhappy ſubject ſuffers, when he meets with injuſtice preciſely where he had a right to expect redreſs, I mean, at law; or when he finds himſelf oppreſſed by thoſe, whom he looked upon as his protectors, I mean, the government.

'When corruption, ſays *Davenant* [c], has ſeized 'upon the repreſentatives of a people, it is like a 'chronical diſeaſe, hardly to be rooted out. When 'ſervile compliance and flattery come to predominate, 'things proceed from bad to worſe, till at laſt the 'government is quite diſſolved. Abſolute monarchies 'are in danger of great convulſions, when one man, 'their prince, happens to be weak or wicked; but 'commonwealths, or mixed conſtitutions, are ſafe till 'the chief part of the leading men are debauched in 'principles. However, monarchy has this advantage, 'that

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[a] CONTIN. 1. 56.

[b] *Blackſtone*'s COMM. 1. 146. [c] II. 300.

'that the one man, their prince, is mortal, and if 'bad, he may be ſucceeded by a better; but a people 'thoroughly corrupted, never returns to right reaſon; 'and we ſee that the depravity of manners, which began 'in *Rome* preſently after the ſecond *Punic* war among 'the nobility and gentry, became every year worſe and 'worſe, till at laſt *Cæſar* deſtroyed the common-'wealth. And after his time, under the ſucceeding 'emperors, every ſenate grew more abject and com-'plying than the other; till in proceſs of time the old '*Roman* ſpirit was utterly extinguiſhed, and then that 'empire by degrees became a prey to barbarous nations.'

'Hitherto it has been thought the higheſt pitch of 'profligacy to own, inſtead of concealing crimes, and 'to take pride in them, inſtead of being aſhamed of 'them. But in our age men have ſoared to a pitch 'ſtill higher. The firſt is common; it is the prac-'tice of numbers, and by their numbers they keep 'one another in countenance. But the choice ſpirits 'of theſe days, the men of mode in politics, are far 'from ſtopping where criminals of all kinds have 'ſtopped, when they have gone even to this point; 'for generally the moſt hardened of the inhabitants of '*Newgate* do not go ſo far. The men I ſpeak of, 'contend, that it is not enough to be vicious by prac-'tice and habit, but that it is neceſſary to be ſo by 'principle. They make themſelves miſſionaries of 'faction, as well as of corruption: They recom-'mend both; they deride all ſuch as imagine it poſ-'ſible or fit to retain truth, integrity, and a diſin-'tereſted regard to the public in public life, and 'pronounce every man a fool, who is not ready to act 'like a knave[a].'

Corruption

[a] *Bolingbr.* IDEA OF A PATRIOT KING, 181.

Corruption brings a government into contempt not only with the ſubjects, but with foreigners. *A. D.* 1735, in *Walpole*'s dirty adminiſtration, the *French* ſhewed ſuch a contempt for *England*, that they publiſhed an edict, commanding all *Engliſh* ſubjects in *France*, to quit *France* in a fortnight, or enliſt in their army, on pain of the gallies. To the ſame cauſe was owing the *Spaniſh* inſolence, which they carried to ſuch a height, that when they cut off capt. *Jenkins*'s ear, they bid him carry it to his king, and tell him they would ſerve him ſo, if they could. To the ſame cauſe may be aſcribed the inſolence of the *French*, *A. D.* 1748, in *demanding* (and, O ſhame to *Britain! obtaining*) hoſtages at the peace of *Aix-la-Chapelle*; and their violating that treaty by hoſtilities, before it was well ſigned and ſealed. Would *France*, or *Spain*, have dared to treat *England* ſo in the days of *Cromwell* or of *Pitt*? But parliament defended *Walpole* and the *Pelhams* as ſtrenuouſly as they would the wiſeſt and beſt miniſters. Very different from the ſpirit of the following, which ſpeaks the ſenſe of every free and honeſt man, who has ever thought on the ſubject.

'Not only that government' (ſays the brave *Fletcher* of *Scotland*) 'is tyrannical, which is tyrannically *adminiſtred*, but all governments are tyrannical, which 'have not, in their *conſtitution*, a ſufficient *ſecurity* 'againſt arbitrary power[a].' Has any man in the world the impudence to ſay, this nation has any *conſtitutional* ſecurity againſt arbitrary power, ſuppoſing *parliament* by intereſt attached to a corrupt *court*?

Sir *Arnold Savage*, ſpeaker of the houſe of commons under *Hen.* IV. ſays, 'The three eſtates, king, lords, 'and

[a] *Fletch.* p. 9.

'and commons, are like the trinity, three in one, and 'ought to be perfect in unity, or agreement [a].' A wise and good prince will always agree with an incorrupt parliament; and then the nation might see, with satisfaction, Sir *Arnold*'s whimsical idea realized. But it is easy to imagine a condition of things, in which Athanasianism would be as little desirable in the state as in the church. I mean, supposing a weak, a wicked, or a too ductile prince on the throne, a designing court, and a house of lords and commons attached to its villainous interests and views by places, pensions, bribes, contracts, lotteries, and promises. In such a state of things, all men of honest and independent principles will ever be professed heretics.

"Setting aside the dangers, foreign and domestic, that arise from profusion in what belongs to the public, it depraves all the different ranks of men; for, in profuse governments it has been ever observed, that the people from bad example have grown lazy and expensive; the court has become luxurious and mercenary; and the camp insolent and seditious. Where waste of the public treasure has obtained in a court, all good order is banished, because he who would promote it, and be frugal for his prince, is looked upon as a common enemy to all the rest. Virtue is neglected, which raises men by leisurely steps; whereas vice and flattery will, in a little time, under a ministry, who mind not what is given away, bring a man to a great estate; nor is industry cultivated where he does his business sufficiently, who knows which way to apply, and how to beg in a lucky and critical moment: And at such a season, many of the people's representatives lose

[a] Parl. Hist. ii. 65.

loſe their integrity, when they ſee others running from every bench [the ſeats in the houſe of commons] to ſhare in the univerſal plunder of a nation [a]." 'Becauſe, 'in all their doings and counſels, corrupt men have 'never had any view but their own private profit, they 'will do their beſt to perſuade the world that no man 'acts upon principle; that all is ſwayed by particular 'malice, and that there is not left in the kingdom 'any party of men which conſults the public good [b].'

It is ſaid, we have lately got a new ſtate officer, called, The *miniſter* of the houſe of commons, which, being interpreted, ſignifies, I ſuppoſe, the *Noſe-leader*, of that auguſt aſſembly. It is always to be underſtood, that I mean no reflection upon the preſent times, which are always immaculate, while they are preſent. But we have in the LOND. MAG. 1767, an account of this officer, as follows; 'The marquis 'next propoſed Mr. *C—nw—y* for ſecretary of ſtate, 'and miniſter of the houſe of commons.' On which the note is, 'This officer is but of modern inſtitution, 'and to the inexperienced reader may require ſome 'explanation. The firſt we find upon record is he, 'who in *Nov.* 1755, couched his firſt written inſtruc-'tions in the following words:

"Sir, the king has declared his intention to make "me ſecretary of ſtate, and I (very unworthy, as "I fear I am, of ſuch an undertaking) muſt take the "*conduct* of the houſe of commons;" [that is, I muſt undertake to lead the houſe into all the ſchemes of the *court*.] "I cannot, therefore, well accept "the office, till after the firſt day's debate, which "may be a warm one;" [becauſe the firſt day will ſhew

[a] *Dever.* III. 4. [b] Ibid. 17.

ſhew the comparative *ſtrength* of the *court*, and the *oppoſition*.] "A great attendance that day of *my* "friends" [not the friends of *liberty*, and the *conſtitution*] "will be of the greateſt conſequence to my "future ſituation," [becauſe it will ſhew the oppoſition, that the *court* is *irreſiſtible*] "and I ſhould be "extremely happy if you would, for that reaſon, ſhew "yourſelf amongſt them," [not to the advantage of your *country*, but] "to the great honour of *H. F.*" &c. [a]

The courtly gentlemen, like church-men, are wont to ſtave off all propoſals for reformation, by alledging that the preſent is an improper time. And we have ſeen parliament too ready to come into the views of the court. But Mr. *Sydenham* ſhews in his ſpeech, *A. D.* 1745, in the houſe of commons, that he thinks checking corruption is at all times ſeaſonable, even though a rebellion were actually raging in the heart of the country. 'Sir, I am ſurpriſed to hear gen-'tlemen accuſed or ſuſpected of a deſign to ſubvert 'the government on account of a motion calculated, 'in my opinion, better than any other to reconcile 'the minds of the people to our preſent eſtabliſhment, 'and to induce them to join unanimouſly and heartily 'in any meaſures, that may be neceſſary, for defeat-'ing the preſent rebellion. Whatever ſpirit may 'now appear among the people, we cannot forget, 'Sir, the ſpirit that appeared ſo generally amongſt 'them, but a little while before, againſt corruption, 'and in favour of thoſe bills that have already been 'ſeveral times offered to parliament for preventing it.' —And afterwards—'We are not to ſuppoſe, Sir, that 'the

[a] Lond. Mag. 1767, p. 452.

'the people have forgot their complaints, becauſe they 'have not renewed them upon this occaſion. They 'have ſo long complained in vain, and have lately 'been ſo much diſappointed by thoſe upon whom they 'chiefly relied, that I am afraid, their not renewing 'their inſtructions to their members, proceeds from 'their deſpair of ever meeting with redreſs from par-'liament. But will this remove or diminiſh their 'diſcontent? On the contrary, we have more reaſon 'to dread their ſilence, than we ever had to dread 'their murmurs; for mankind reſemble, in this, that 'animal which is their moſt faithful ſervant; while 'they bark they never bite. Have they ceaſed com-'plaining? As they have yet received no ſatisfaction, 'we have, from the nature of mankind, juſt reaſon 'to preſume, that they have begun to think of act-'ing; and this, at ſuch a dangerous conjuncture, 'we ought to prevent, by giving them, as ſoon as poſ-'ſible, an aſſurance that they may expect redreſs 'from this ſeſſion of parliament.'—Afterwards he goes on—'The hon. gentleman ſays, he ſhould be againſt 'the introducing of ſuch bills while there is a rebel-'lion raging in the kingdom, becauſe he thinks, we 'may have an opportunity to get them paſſed after 'the rebellion is entirely extinguiſhed. If I thought 'ſo, Sir, I ſhould be very willing to have them de-'ferred till the next ſeſſion; but if we do not catch 'this opportunity, when ſome gentlemen's perſonal 'ſafety may prevent their oppoſition, I am, both 'from reaſon and experience, convinced, we ſhall 'never be able, in a peaceable manner, to get any 'ſuch bill paſſed into a law. The ſet of gentlemen 'I have mentioned, will always oppoſe ſuch bills, 'becauſe it is their intereſt not only to ſupport, but

'to propagate corruption; and from experience, I 'am convinced, that they will always have ſo much 'influence as to get a majority in this houſe for pre- 'venting any ſuch bill's being brought in, or a majority 'in the other houſe for having it rejected. This I 'am the more convinced of, from what the hon. gen- 'tleman, and a worthy friend of his, have ſaid againſt 'the amendment. There is a thing called proper or 'ſeaſonable opportunity, that will always furniſh a 'man with a pretence for oppoſing, when a miniſter, 'thoſe bills and motions, which he patronized, when 'a country gentleman; and I have now ſeveral gentle- 'men in my eye, who, I believe, will always declare 'themſelves zealous for preventing a corrupt influ- 'ence in parliament, or at elections, but will never, 'as long as they continue miniſters, or the favourites 'of miniſters, find a ſeaſonable opportunity for bring- 'ing in an effectual bill for that purpoſe. Such gen- 'tlemen may perhaps conſider the dangerous conſe- 'quence of throwing out a popular bill at this juncture, 'therefore, tho' they know it will breed them a great 'deal of trouble hereafter, they may for their imme- 'diate ſafety, agree to its being paſſed into a law. 'If they and their friends agree to it, I will engage 'that no ſuch bill ſhall occaſion any diviſion or alter- 'cation amongſt us; and we may with the more free- 'dom embrace this opportunity, becauſe ſuch a bill 'can no way prevent or retard any thing the parlia- 'ment can do for defeating the rebellion.'—After- wards he adds—'The people of *Britain* have been 'long grumbling: Give them ſatisfaction. Let them 'ſee they have ſomething to fight for, I warrant you 'they will do it. But under an arbitrary govern- 'ment, whether eſtabliſhed by force or corruption,

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'the people have neither liberty nor property; and 'in this age I doubt much if they will fight obſti-'nately for their religion, even ſuppoſing they were 'all convinced of its being at ſtake. I therefore hope, 'Sir, that we ſhall in this ſeſſions (come of the rebel-'lion what will) paſs ſome proper bills for preſerving 'our conſtitution and liberties againſt corruption; and 'if we are reſolved to paſs any ſuch bills in this ſeſſion, 'we ought to intimate our reſolution in our addreſs upon 'this occaſion, in order to encourage the people to ſtand 'by and ſupport the preſent eſtabliſhment in this time 'of imminent danger.'—Afterwards he adds—'Does 'not his majeſty tell us that he has called us together, 'to give him our immediate advice as well as aſſiſtance 'with regard to the rebellion, ſtill continuing in '*Scotland?* Can we give him our advice in a more 'deliberate and authentic manner, than by framing 'and paſſing ſuch bills as we think will beſt induce 'the people to aſſiſt him heartily? We cannot do 'this immediately, and therefore by way of anſwer 'to this part of his ſpeech, we ought to tell him im-'mediately, that is to ſay by our addreſs, that we 'will do ſo. There is another part of his majeſty's 'ſpeech, Sir, which, in my opinion, will ſtand with-'out any thing like an anſwer, if this amendment be 'not agreed to. His majeſty tells us he queſtions 'not but the rebellion will end in procuring greater 'ſtrength to that excellent conſtitution, which it was 'deſigned to ſubvert. In anſwer to this, is it not very 'proper to tell his majeſty, that we ſhall take care in 'this ſeſſion to frame ſuch bills as, if paſſed into 'laws, will add ſtrength to our excellent conſtitution. 'Is then any thing more proper or neceſſary for add-'ing ſtrength to our conſtitution, than that of pre-

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'venting a corrupt influence in parliament or at elec-
'tions? This amendment is therefore not only a
'proper, but a neceſſary return to that part of his
'majeſty's ſpeech: I ſay neceſſary, Sir, becauſe I
'think it abſolutely neceſſary for us, in a time of ſuch
'danger, to take the firſt opportunity to aſſure the
'people of their having that grievance redreſſed,
'which they have long and loudly, but vainly hi-
'therto, complained of; and becauſe, without this
'amendment, not only our addreſs will appear defec-
'tive, but we ſhall appear deficient in our duty to our
'ſovereign, for there will be, otherwiſe, not a word
'of anſwer to this material part of his majeſty's ſpeech,
'nor one word of advice, or any thing that looks like
'it, though his majeſty has, in his ſpeech, expreſsly
'told us, that for this very purpoſe he called us to-
'gether ſooner than he intended. And now to con-
'clude, Sir, as the hon. gentleman was pleaſed to
'tell us what the world will think of thoſe that inſiſt
'upon this amendment, I ſhall beg leave to tell him,
'what, in my opinion, the world will think of thoſe
'that oppoſe it. The world will, I am ſure, gene-
'rally approve of the amendment, and all will con-
'clude, that if it had been agreed to, it would have
'done great and immediate ſervice; therefore, every
'man will ſay that the oppoſers of this amendment,
'notwithſtanding their open pretences, are, in ſecret,
'friends to corruption; and that they have a greater
'regard to the intereſt and eaſe of thoſe who are now,
'or may hereafter be, our miniſters, than they have
'to the ſecurity of their ſovereign, the happineſs of
'their country, or the liberties of their countrymen [a].'

[a] *Alm.* Deb. Com. II. 347.

Sir *Francis Dashwood* on that occasion, proposed, that the following paragraph should be inserted in the address of the commons; 'In order to the firmer 'establishment of his majesty's throne on the solid and 'truly glorious basis of his people's affections, it 'shall be our zealous and speedy care to frame such 'bills as (if passed into laws) may prove most effec-'tual for securing to his majesty's faithful subjects, 'the perpetual enjoyment of their undoubted right, 'to be freely and fairly represented in parliaments, 'frequently chosen, and exempted from undue in-'fluence of every kind; for easing their minds in 'time to come, of the apprehensions they might en-'tertain of seeing abuses in offices rendered perpetual, 'without the seasonable interposition of parliament 'to reform them; and for raising in every true lover 'of his king and country, the pleasing hopes of be-'holding these realms once more restored to that happy 'and flourishing state which may reflect the highest 'honour on his majesty's reign, and cause posterity to 'look back with veneration and gratitude on the 'source of their national felicity [a].'

Many ages have passed since the first tampering with parliaments. It is not easy to understand how a wicked court should be able to mis-lead a parliament without money, or other baits; but we have instances of it. In antient times our members of the house of commons were very ignorant, poor, and brought up by the priests with notions of slavish submission to their barons or to their kings. The commons, therefore, too often consented to their own deception and enslaving. In more enlightened times our parliaments

[a] *Alm.* Deb. Com. II. 335.

ments have been fairly bribed with places, penſions, contracts, lotteries, &c.

There was a villainous packed parliament under *Rich.* II. *A. D.* 1397. The king had changed all the ſheriffs, and put in wretches attached to himſelf. All the public offices were put into the hands of his creatures. The king nominated the members for each place, and the placemen ſupported the king's nomination. The parliament in 1386, had obtained the removal of the villainous favourites, the earls of *Oxford*, *Suffolk*, &c. All the acts of that upright parliament were repealed, and every thing done to advance the prerogative above the laws. Many brave patriots were put to death, and the barbarous king choſe to be preſent at ſome of theſe horrid ſcenes. They give up all their authority to twelve lords, and ſix commoners, the moſt devoted to the king's will. 'This inſtance' (ſays *Rapin* [a]) 'ſhews that it is not 'impoſſible but that the very parliament, which is 'deſigned to maintain the privileges of the nation, 'may throw it into ſlavery, when ſuch aſſemblies are 'directed by popular factions,' [popular factions are always produced by *miniſterial* oppreſſion; the *people* of themſelves are inclined to be *quiet*] 'or the cabals 'of an ambitious prince, which, either by running 'the prerogative down too low,' [prerogative too low is hardly conceivable] 'or ſcrewing it up too high, 'has often produced diſorder, and deſtroyed all law, 'inſtead of procuring the welfare of the kingdom.'

Enquiry was made, *A. D.* 1550, into the management of public money. Few concerned (ſays *Rapin* [b]) but were found guilty of ſome miſdemeanor.

[a] Act. Reg. II. 14, 17. [b] II. 20.

400,000 *l.* were ſent from *Spain* (ſays *Burnet*. I have omitted quoting vol. and page) to bribe the parliament to approve of queen *Mary*'s marriage with *Philip*. The marriage-bill paſſes immediately. And four bills againſt heretics in one ſeſſion. Such was the power of *Spaniſh* gold [a].

Philip brings part of the promiſed money with him. The money brought from *Spain* produced ſuch effects, that moſt of the repreſentatives only wanted occaſions to ſignalize their zeal for the queen [b].

Of *James* Iſt's time it is obſerved by Mr. *Hume* [c], that 'So little ſkill, or ſo ſmall means, had the court in 'his reign for managing parliaments, that this houſe 'of commons ſhewed rather a ſtronger ſpirit of liber-'ty than the former.' What a leſſon does this ſentence teach! In our times it is computed [d] that the court has in its diſpoſal ſeveral millions a year. If ſo, our court has great 'means for managing parlia-'ments, and therefore our houſe of commons is not 'likely to ſhew much of the ſpirit of liberty.'

The militia bill paſſed the lords, *A. D.* 1661, by which it is declared, that neither lords nor commons conjunctly nor ſeverally, nor the people ſeverally or repreſentatively, have any power over the perſon of the king, and that the king alone has the power of all forces by ſea and land, and all ſhips, fortifications, &c. excluſive of parliament. And that no war can, on any pretence whatever, be raiſed againſt the king [e]. At the ſame time, an oath is to be taken

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[a] PARL. HIST. III. 302, 308.

[b] *Rap.* II. 39, 40.

[c] *Hume*'s HIST. STUARTS, I. 47.

[d] See above, p. 269, *et ſeq.*

[e] DEB. LORDS, I. 42.

taken by all lord lieutenants, deputy lieutenants, officers and ſoldiers, that it is on no pretence lawful to take arms againſt the king, or thoſe commiſſioned by him, 'which ſeemed (ſay the collectors of the debates) 'to be giving up the conſtitution,' eſpecially when it was declared unlawful to take arms againſt any perſon commiſſioned by the king. This was debated, but it was left in the oath, becauſe, ſaid thoſe ſlaviſh peers and commoners, any perſon *unlawfully* commiſſioned, is not commiſſioned. Thus they left the liberties of *England* on the precarious foundation of a logical diſtinction.

The people in the time of *Charles* Iſt's tyranny, petitioned for a parliament. We have ſeen the people, in the time of *George* III. petition for the diſſolution of parliament. In *Charles*'s time, the people's entire confidence was repoſed in the parliament. The influence of the court in our houſe of commons has in great meaſure deſtroyed our dependence upon it. In thoſe times one independent parliament ſucceeded to another. The ſame ſpirit reigned, though the individuals were changed. In ſucceeding times, one ſet of ſlaves has followed another, and the ſame corrupt ſpirit run through parliament after parliament [a]. *Charles* II. is thought to be the firſt king, who *bought* the votes of members of parliament.

What a picture does the great and good *Sidney* draw of the corruption prevailing in *England* in the beginning of the reign of that prince, in his letter in anſwer to his friends adviſing him to return from his voluntary baniſhment on the paſſing of the act of indemnity [b].

[a] See the DEBATES.

[b] *Somers*'s TRACTS, VII. 81.

'I confeſs (ſays he) we are naturally inclined to 'delight in our own country, and I have a particular 'love to mine: I hope I have given ſome teſtimony 'of it; I think that being exiled from it is a great 'evil, and would redeem myſelf from it with the loſs 'of a great deal of my blood. But when that country 'of mine, which uſed to be eſteemed a paradiſe, is 'now like to be made a ſtage of injury; the liberty 'which we hoped to eſtabliſh, oppreſſed, all manner 'of profaneneſs, looſeneſs, luxury, and lewdneſs, 'ſet up in its height; inſtead of the piety, virtue, 'ſobriety, and modeſty, which we hoped God by our 'hands would have introduced; the beſt of our nation 'made a prey to the worſt; the parliament, court, 'and army, corrupted; the people enſlaved; all 'things vendible; and no man ſafe, but by ſuch evil 'and infamous means, as flattery and bribery; what 'joy can I have in my own country in this condi-'tion? Is it a pleaſure to ſee all that I love in the 'world ſold and deſtroyed? Shall I renounce all my 'old principles, learn the vile court arts, and make 'my peace by bribing ſome of the crew? Shall their 'corruption and vice be my ſafety? Ah! no; better 'is a life among ſtrangers, than in my own country 'upon ſuch conditions. Whilſt I live I will endea-'vour to preſerve my liberty; or at leaſt not conſent 'to the deſtroying of it. I hope I ſhall die in the 'ſame principles in which I have lived; and will live 'no longer than they can preſerve me. I have in my 'life been guilty of many follies, but as I think of no 'meanneſs. I will not blot and defile that which is 'paſt, by endeavouring to provide for the future. I 'have ever had in my mind, that ſhould God caſt me 'into ſuch a condition, as that I cannot ſave my life,

'but by doing an indecent thing, he ſhews me the 'time is come wherein I ſhould reſign it; and when 'I cannot live in my own country, but by ſuch 'means as are worſe than dying in it; I think he 'ſhews me I ought to keep myſelf out of it. Let 'them pleaſe themſelves with making the king glo- 'rious, who think a whole people may juſtly be ſacri- 'ficed for the intereſt and pleaſure of one man, and a 'few of his followers; let them rejoice in their ſub- 'tilty, who by betraying the former powers have 'gained the favour of this; not only preſerved, but 'advanced themſelves in theſe dangerous changes. 'Nevertheleſs (perhaps) they may find the king's 'glory is their ſhame; his plenty the people's miſery; 'and that the gaining of an office, or a little money, 'is a poor reward for deſtroying a nation, which if it 'were preſerved in liberty, and virtue, would truly 'be the moſt glorious in the world. And others per- 'haps may find they have with much pains purchaſed 'their own ſhame and miſery, a dear price paid for 'that which is not worth keeping, nor the life that is 'accompanied with it. The honour of *Engliſh* par- 'liaments has ever been in making the nation glorious 'and happy, not in ſelling and deſtroying the intereſt 'of it, to ſatisfy the luſt of one man. Miſerable 'nation, that from ſo great a height of glory is fallen 'into the moſt deſpicable condition in the world, of 'having all its goods depending upon the breath and 'will of the vileſt perſons in it! Cheated and ſold by 'them they truſted! Infamous traffic, equal almoſt 'to that of *Judas!* In all preceeding ages parliaments 'have been the pillars of our liberty, the ſure defenders 'of the oppreſſed: They, who formerly could bridle 'kings, and keep the ballance equal between them

'and the people, are now become the inſtruments of 'our oppreſſions, and a ſword in his hand to deſtroy 'us: They themſelves being led by a few intereſted 'perſons, who are willing to buy offices for themſelves 'by the miſery of the whole nation, and the blood of 'the moſt worthy and eminent perſons in it, &c.'

The collectors of the debates of the commons have given us a curious liſt of penſions, and penſioners, and their characters, in the penſion parliament [a], from a ſcarce tract publiſhed at the time, entitled, *A ſeaſonable Argument to perſuade all the Grand Juries in* England, *to petition for a new Parliament. Or, A Liſt of the principal Labourers in the great Deſign of Popery and arbitrary Power*, &c. A reward of 200*l.* was offered by proclamation for diſcovering the author. He gives an exact account of all the emoluments and advantages enjoyed by above 200 members. His manner is whimſical enough. I will copy a few of his articles for the reader's amuſement.

'*Reading.* Sir *Francis Doleman* has 200*l. per ann.* 'penſion, and was aſſiſted by the court in the cheat-'ing will, by which he got *Quarles*'s eſtate, valued 'at 1600*l.* Is now clerk of the council, worth 500*l.* '*per ann.* and is promiſed to be ſecretary of ſtate.

'*Buckinghamſh.* Sir *Richard Temple*, commiſſioner 'of the cuſtoms, worth 1200*l. per ann.*

'*Buckingh. town.* Sir *William Smith*, as honeſt as 'ſir *Richard.*

'*Cambridge town.* *William* lord *Allington*, in debt 'very much, a court-penſioner, and in hopes of a 'white ſtaff. *A cully.*

'*Cheſhire.*

[a] Deb. Com. v. Append. 15.

'*Cheſhire.* *Thomas Cholmondely*, promiſed a great 'place at court. Not only deceived, but laughed at. 'Poor gentleman!

'*Cornwal.* Sir *Jonathan Trelawney*, bart. one who 'is known to have ſworn himſelf into 4000 *l.* at leaſt 'in his account of the prize-office. Controuler to the 'duke, and has got, in gratuities, to the value of '10,000 *l.* beſides what he is promiſed for being an 'informer.

'*Lanceſton.* Sir *Charles Harbord*, ſurveyor-general. 'Has got 100,000 *l.* of the king and kingdom. Was 'formerly a ſolicitor of *Staples Inn*, till his lewdneſs 'and poverty brought him to court.

'*Devonſh.* Sir *Copelſton Bampfield*, bart. much 'addicted to tippling, preſented to the king by his 'pretended wife, *Betty Roberts*, in *Pall Mall.*

'*Honiton.* Sir *Peter Prideaux.* Conſtant court-'dinners, and 300 *l. per ann.* penſion.

'*Weymouth.* Sir *Winſton Churchil*—now one of the 'clerks of the green cloth.—Proferred his own daugh-'ter to the duke of *York*, and has got in boons, '10,000 *l.* Has publiſhed in print, that the king 'may raiſe money without parliament.

'*Durham.* *John Tempeſt*, Eſq. a papiſt, a pen-'ſioner, and a court-dinner man. Has got a cuſto-'mer's [cuſtom-houſe officer's] place at *Hull* for his 'ſon.

'*Harwich.* *Thomas King*, Eſq. a penſioner for '50 *l.* a ſeſſion, meat, drink, and now and then a 'ſuit of clothes.

'*Malden.* Sir *Richard Wiſeman*, 1000 *l.* a year 'penſion, and keeper of one of the treaſurer's public 'parliamentary tables.

'*Wincheſter.*

'*Winchester*, Sir *Robert Holmes*, first an *Irish* 'livery-boy; then a highwayman; now bashaw of 'the *Isle of Wight*. Got in boons, and by rapine, '100,000 *l.* The cursed beginner of the two *Dutch* 'wars.

'*Stockbridge*. Sir *Robert Howard*, auditor of the 'receipts of the exchequer, 3000 *l. per ann.* Many 'great places and boons, he has had; but his wh— '*Uphil* spends all, and now refuses to marry him.

'*Newton*, in the *Isle of Wight*. Sir *John Holmes*, 'Sir *Robert*'s brother, a cowardly, baffled sea-captain, 'twice boxed, and once whipped with a dog-whip; 'chosen in the night without the head-officer of the 'town, and but one burgess; yet voted, this last ses- 'sion, well elected.

'*Weobley*. Sir *Thomas Williams*, king's chemist.— 'Has got 40,000 *l.* by making provocatives for 'lechery—&c.'

He concludes with an apology for undervaluations, or omissions; and mentions, that the house was lately told by some of their own members, 'That 'there were among them several papists, fifty out-laws, 'and pensioners without number.'

Many of *Charles* II's long parliament 'were ruined 'in their fortunes, and lived upon their privileges and 'pensions. They had got it among them for a 'maxim, which contributed not a little to our pre- 'servation, while we were in such hands, that, as 'they must not give the king too much at a time, lest 'there should be no more use for them, so they were 'to take care not to starve the court, lest they them- 'selves should be starved by that means[a].'

Speaking

[a] *Burnet*'s Hist. own Times, I. 545.

Speaking of the few honeſt men of thoſe times, he goes on thus. 'Theſe were the chief men' [*Coventry*, *Birch*, *Waller*, &c.] 'that preſerved the nation from 'a very deceitful and practiſing court, and a corrupt 'houſe of commons. And by their ſkill and firmneſs 'they, from a ſmall number, who began the oppoſi-'tion, grew at laſt to be the majority.'

'At firſt this trade (of bribing the members) was 'ſecretly carried on, but after *Clifford*'s advancement 'to the treaſury, it was ſo openly practiſed, that mens 'names and prices were publickly known.' No wonder the king's money went. Bribery was not then reduced to a ſyſtem; ſo that the king could not get a majority in the houſe of commons, and his ſchemes were ſo frightful, that he could not bribe high enough, He diſſolved the penſioned parliament, and never got one to his purpoſe after [a].

The judicious author of a tract entituled, DANGER OF MERCENARY PARLIAMENTS, firſt printed, *A. D.* 1698, [b] aſcribes to the penſion-parliament under *Charles* II. 'the formidable greatneſs of *France*; the 'prodigious expences of the late feigned and col-'luſive war; (the money given for it being em-'ployed either in ſubduing the ſubjects at home, or 'oppreſſing our proteſtant neighbours abroad) the 'flouriſhing ſtate of the *French* navy (timber, mariners, 'cannon, and bullets being furniſhed them from the 'Tower, which occaſioned *Charles* IId's boaſt, that he 'had made his brother of *France* a ſeaman, all to 'pleaſe a *French* wh—*Querouville*, afterwards ducheſs 'of *Portſmouth*) the attack upon the charters of cities; 'the

[a] *Rapin*, II. 701.

[b] ST. TRACTS, time of king *William*, II. 638.

'the death of some of our best patriots; the encou-
'ragement of popery; the decay of trade; the growth
'of arbitrary power; the ill effects of dishonourable
'leagues; the shutting up of the exchequer; the pro-
'gress of all sorts of debauchery; the servile compliances
'at court of a rampant hierarchy; the insolent de-
'portment of the inferior clergy both in the universi-
'ties and elsewhere; the slavish doctrine of passive
'obedience and non-resistance; with the almost total
'extirpation of virtue and moral honesty.'

A list of the pensioners in *Charles* IId's long parliament was extant, *A. D.* 1695. The sum of 252,467 *l.* was given in bribes in less than 3 years; and others were hired with 'dinners by *Copleston*, '*Wiseman*, and others, who kept open house for the 'purpose, when each worthy member found under his 'plate such a parcel of guineas as it was thought his 'day's work had merited [a].'

'The house of commons was then divided into two 'parties, that of the court, and that of the country. 'Of the court-party some were engaged by offices, 'nay a few by bribes secretly given them; a scan-'dalous practice, first begun by *Clifford* [b].'

It was found, that in *Charles* IId's next parliament after the long one, nine members had received, in bribes, 3,400, and that the sum of 12,000 *l.* had been given or lent to others [c]. Eighteen pensioners in last parliament, were discovered, *A. D.* 1679; 2 at 1000 *l.* a year; 6 at 500 *l.* 2 at 400 *l.* 4 at 300 *l.* 4 at 200 *l.* besides 9 others, who had received different sums

[a] Pref. to COLLECT. DEB. PARL. 1694-5. ST. TRACTS, time of king *William*, II. 475.

[b] *Hume*'s HIST. STUARTS, II. 254. [c] Ibid. 302.

ſums of the villainous king. Theſe were not only to vote with the court themſelves, but to uſe all their intereſt. This was mere petty larceny compared with the wholeſale dealings of modern times [a].

It was reſolved, *A. D.* 1675, on a report of many members of the houſe of commons being penſioned, to oblige all members to take an oath diſclaiming all receipts of money from the court ſince *Jan.* 1ſt, 1672 [b]. But *Rapin* does not know whether the reſolution was put in execution. The member was to declare that he had no gift, place, penſion, promiſe, &c. nor knew of any other member's having any, but what he then gave in ſigned with his name.

Great oppoſition is always made to every bill for obliging members of parliament to give a teſt of their integrity from corruption. Yet we think there is no diſpenſing with teſts of our being true churchmen. Is it then of greater conſequence, that we be true to the comfortable doctrine of eternal reprobation, than that we be true to our country?

Charles IId's firſt parliament ſeemed willing to grant him whatever he pleaſed to aſk. He himſelf owns in his ſpeech, *A. D.* 1667, that 'never king was ſo 'much beholden to parliaments, as he had been.' And the ſequel ſhewed how judiciouſly they had beſtowed their kindneſs. They were unwilling to confine him (good ſoul!) to the neceſſity of calling a parliament any oftener than he pleaſed. Accordingly their ſlaviſh ſpeaker, *Turner*, ſays in his ſpeech, *A. D.* 1677, 'We found the triennial bill derogatory to the eſſen-'tial privilege of the crown, of calling, holding, and 'diſſolving parliaments. We found it impracticable, 'and

[a] *Rapin*, II. 707.

[b] II. 678.

'and only uſeful to teach the people to rebel, &c.' The commons granted that worthleſs tyrant ſo unmeaſurably, that even the lords were alarmed. They ſupported him in his villainous war againſt *Holland*, our natural ally, in conjunction with *France*, our natural enemy. The church, the ever faithful coadjutor of wicked kings and miniſters, excited them to perſecute all who differed from them, and the cruel corporation and five mile acts were made under a king who had as much religion as his horſe. The oath of paſſive obedience and non-reſiſtance was thrown out by three votes only. The long parliament has been, and will be to all ages, infamous for the notorious penſions given by the court among its members. However even the penſion-parliament paſſed many good acts. They were not yet hardened in ſin, as parliaments have been ſince.

About 800,000 *l.* were paſſed over by parliament unaccounted for, *A. D.* 1669. Every member's price was known, ſays *Burnet* [a]. In thoſe times the commons gave whatever the court aſked; and the money-bills were oppoſed by the lords [b].

By the peace of *Breda*, *A. D.* 1667, no advantage was gained by *England*, ſays *Rapin* [c], though the war coſt 5 ½ millions, beſides the ſhips loſt in battles and at *Chatham*. Yet the king had promiſed never to make peace till the objects of the war were gained. However the king got large ſums of money into his hands, particularly the 1,800,000 *l.* and the duke of *York* got great advantages as high admiral, and 120,000 *l.* a preſent

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[a] Hist. own Times, i. 377. [b] Ibid.
[c] *Rapin*, ii. 645.

a preſent from parliament. The villainous parliament ſuffered all to paſs unqueſtioned.

James II. ſaid, the members of his only parliament, all but about 40, were men after his own heart. The elections were made at random, any how, men of any ſort choſen, and in the moſt barefaced manner. Many in thoſe days were terrified by *James*'s ſeverities, into ſilence and compliance. The papiſts, who were many, liked him, and his meaſures, becauſe he was for advancing them. The clergy are always for the reigning prince, unleſs he directly attacks their ſpirituals, or their temporals. And there was money given to carry elections.

Seymour ſpoke bravely in *James* IId's only parliament, againſt corruption in elections. 'Many doubt, 'ſaid he, whether this is a repreſentative of the nation. '—Little equity is to be expected by petitioners 'againſt undue elections, when ſo many in the houſe 'are themſelves too guilty to judge juſtly and impar'tially.—If the nation ſees that no juſtice is to be 'expected from you, other methods may be found, 'by which you may come to *ſuffer* that juſtice, which 'you will not *do* [a].' The court did not dare to cenſure him for his freedom.

Though *Richard* II. and many others of our worſt kings, down to *Charles* II. dabbled in corruption, it may yet be ſaid, that the art of governing by regularly and ſyſtematically bribing the houſe of commons came in at the revolution. It was firſt applied for buying off the jacobites, and has been going on ever ſince, till the ſitting down of the preſent immaculate parliament, (the preſent parliament is always immaculate) and

[a] *Burnet*'s HIST. OWN TIMES, II. 322.

and has of late times been applied to the buying off of a ſet of troubleſome men, who would otherwiſe have oppoſed the pious deſigns of the court. That this is the truth, is demonſtrable from the court's continuing the practice almoſt a century; which it certainly would not do, at ſuch an enormous expence, if it did not find its account in the proceeding.

Votes were for the firſt time after the revolution, bought by Sir *John Trevor*, ſpeaker of the houſe of commons, 'a bold and dexterous man, ſays *Burnet*[a], 'who knew the moſt effectual ways of recommending 'himſelf to every government, and had been in great 'favour in king *James*'s time. Being a tory in prin-'ciple, he undertook to manage that party, provided 'he was furniſhed with ſuch ſums of money as might 'purchaſe ſome votes.'

This miſchievous invention has cruelly reduced the value of the revolution to the nation. Some of the worſt evils of *Stuart*-government were the following, *viz.* 1. Governing without parliaments. But is there any difference between governing without parliament, and governing parliament itſelf by money? 2. Raiſing ſhip-money and other taxes without conſent of the repreſentatives of the *people*. What avails the conſent of a ſet of bribed repreſentatives indemnified of the general burden by places and penſions? 3. Corrupting judges. Corrupting the houſe of commons is worſe. It is poiſoning the fountain-head. 4. Puniſhing arbitrarily, and according to no written law. But may not parliaments thoroughly enſlaved to a court, be expected to make cruel *laws*, whenever the court happens to be of a cruel diſpoſition. And what

[a] Hist. own Times, iii. 57.

what difference is it to the ſubject whether he is cruelly puniſhed by *Jefferies*'s *abuſe* of the laws, or by the direct injuſtice of the *laws themſelves*, except, that the latter is putting him into a more *unchangeably* bad ſituation than the former. 5. Intimidating the members by fines, priſons, &c. The evil of this practice conſiſts only in its influencing the members to vote againſt their country. What difference does it make to the ſubjects, whether parliament is influenced to their prejudice by fear or by hope? When the *Stuarts* intimidated the members, that meaſure *coſt nothing* to the nation. But we are obliged to *pay* for *bribing* them, to pay for the very rod, which is to beat ourſelves. 6. Laying aſide juries. We had better lay aſide juries, than lay aſide the whole efficiency of parliament. To bribe parliament is to lay aſide its whole efficiency, and make it a mere limb of the court. Beſides, a corrupt parliament may be expected to enact what our courtly lawyers, ſome of them of no mean rank, are often preaching up, *viz.* That juries are only to judge of the *fact*; the eſtabliſhing of which doctrine by parliament, would produce preciſely the ſame effect as aboliſhing juries by a ſtatute. 7. Levying war againſt parliament. A corrupt parliament is government armed againſt the people. 8. Seizing the 5 members. A corrupt parliament will ſeize and impriſon all the incorrupt members, if they find it will anſwer their gracious ends. And a member had better be *impriſoned* by a ruffian tyrant, than perſuaded by a fawning miniſter to *damn* himſelf and ruin his country. 9. Diſpenſing with the laws, and making laws without conſent of either lords or commons, that is, giving out proclamations with the force of laws. But laws made, or laws repealed, by a ſet of profligate

court-tools in St. *Stephen*'s chapel, are as far from the ſenſe of the independent *people*, as the *Stuart*'s proclamations, or diſpenſations. In fact, a corrupt court againſt an *honeſt parliament* and a brave people is nothing near ſo formidable as a *corrupt court* and *parliament* againſt a helpleſs people. The former caſe admits of a *conſtitutional* remedy; the latter leads to violence and conteſt between government and people. 10. But the *Stuarts* ſhut the exchequer. True. And our bribing miniſters have, by doling about the money which ſhould have paid the national debt, brought public credit to the very precipice of bankruptcy. 11. The *Stuarts* intended to eſtabliſh abſolute power in the prince. They did ſo. And our bribing courts intend to eſtabliſh abſolute power in a junto of grandees, who rule elections, and direct the members when to ſay Aye, and when No. 12. The *Stuarts* intended to re-eſtabliſh popery; while our corruptors mean only atheiſm. Here I own a difference; popery being the worſt thing in the univerſe, hell only excepted. So that upon the whole, I know of ſcarce any evil we have eſcaped by the revolution, popery excepted, that is not in a fair way of being brought back upon us by corruption. The *Stuarts* were butchers. They attacked the good lady *Britannia* with ſlaughtering knives. Our genteeler corruptors have endeavoured her deſtruction by poiſon held out to her in a golden cup; or, as a humorous writer (I have forgot who) ſtates it, between two thieves, whig and tory, the nation is crucified.

Suppoſe, in two ſuits of law, my firſt antagoniſt obliges the judge, by threatening his life, to give ſentence againſt me, and my ſecond bribes him. Am I not equally injured in both caſes? The

Stuarts

Stuarts meant a tyranny by one; the *Walpolians* an ariſtocracy. Which is worſt for *England?*

The corruption introduced in king *William*'s time, on pretence of buying off the jacobites (doing a certain evil, that an uncertain good might come, 'overthrowing the *virtue* of the people—to *ſave* the nation) was ſo openly ſcandalous, that honeſt *Burnet* remonſtrated to the king upon it, with almoſt as much ſeverity as the old prophet uſed in reproving king *David* for murder and adultery. And good reaſon he had for uſing ſeverity. A *Dutchman* comes over to *Britain* on pretence of delivering us from ſlavery; and makes it one of his firſt works to plunge us into the very vice which has enſlaved all the nations of the world, that have ever loſt their liberties. When the parliament paſſed a bill for incapacitating certain perſons, who might be ſuppoſed obvious to court influence, from ſitting in parliament, our glorious deliverer refuſed the royal aſſent, which occaſioned ſome ſevere reſolutions againſt the adviſers of that refuſal, and a motion for a remonſtrance to the king upon it. 'When 'an enquiry was afterwards ſet on foot, into the 'venality of parliament, ſuch a ſcene of iniquity 'was opened, as made the penſion-parliament of '*Charles* II. ſeem innocent, and the court was then 'thought to have arrived at the *ne plus ultra* of corruption[a].' If king *William* had been as diſintereſted as he ought, and as he pretended, he would not have cloſetted members, nor promoted bribery. No man will dare damnation for the ſake of doing good to *others*, unleſs he thinks to get, or keep, ſome advantage to himſelf.

D d 2

[a] USE AND ABUSE OF PARL. I. 121.

himself. May my soul stand upon a more secure foundation at the day of reckoning, than those of the best *kings*.

Let the reader judge of this matter by the following extract from a writer of those times [a].

'200,000 *l.* a year bestowed upon the parliament 'has already drawn out of the subjects pockets more 'millions than all our kings since the conquest have 'had from the nation.'—'The king has about six 'score members, whom I can reckon, who are in 'places, and are thereby so entirely at his devotion, 'that though they have mortal feuds, when out of 'the house, though they are violently of opposite parties in their notions of government, yet they vote 'as lumpingly as the lawn sleeves, and never divide 'when the interest of the family, as they call it, is 'concerned, that is to say, when any court-project 'is on foot. The house is so officered, that by those 'who have places and pensions, together with their 'sons, brothers, and kinsmen, and those, who are 'fed with the hopes of preferment, and the too great 'influence, these have upon some honest mistaken 'country-gentlemen, (I call them mistaken, who 'can be persuaded that an honest bill can at any time 'be out of season) the king can baffle any bill, quash 'all grievances, stifle accounts, and ratify the articles 'of *Limerick*.'——'I would trust an elected king a 'great way, if I saw he understood election to be his 'title; if our generosity would engage him to reformation. But when I see, he knows neither his own 'nor

[a] *A short state of our condition with relation to the present parliament, printed, A. D.* 1693. ST. TRACTS, *time of King William*, II. 369.

'nor our intereſt, that he hates and nicknames as 'commonwealths-men, thoſe whoſe principles made 'them the authors of his greatneſs, and thoſe that 'would have him do the buſineſs, for which he came, 'for which both he and we ſaid he came; when I ſee 'him ſometimes ſoliciting in perſon in the houſe of 'lords, and ſometimes by lord *Portland*, beſides what 'he does by his under-officers; when I hear, he ſends 'commands to ſome lords, and bribes to others, and 'turns out of his place the gallant lord *Bellamount*, 'merely for giving his vote in the houſe of commons 'according to his conſcience, thereby intending to 'terrify others; when I find the money, which the 'nation gives to defend our liberties from foreigners, 'is like to undermine them at home; in a word, 'when I ſee neither one houſe nor the other can with-'ſtand the power of gold; I ſay, when I perceive all 'this, I think it is time to look about us[a].'—'I 'thought we had called him over to call miniſters to 'an account, and to put it out of their power to abuſe 'us hereafter unpuniſhed. If any ſpirit of liberty 'remains, if we are not deſtined to deſtruction, ſure 'the nation will take ſome way to let the king and 'both houſes know, that they expect, they ſhould 'not only provide for a campaign in *Flanders*, but for 'our ſecurity even againſt our own victories, and 'ſuch laws as may make it worth while to defend our 'country; I ſay, worth while to defend it; for if we 'are to be ſlaves, it is no matter to whom we are ſo. '—Since members are retained by him with ſuch 'overgrown fees (ſuch places and preferments) to be 'council on his ſide; how can the people hope they

[a] St. Tracts, time of king *William*, II. 369, 370.

'will be juſt in their arbitration?—If men are to 'make fortunes by being of our ſenate-houſe, we had 'better ourſelves pay the diſburſements of thoſe we 'ſend—each particular county would find their ac- 'count in it, whilſt they would preſerve their mem- 'bers from the temptation of being hired out of their 'intereſt, and conſequently would get good laws for 'what they give.—If this [bribing of members] con- 'tinues, God have mercy upon poor *England*, for 'hitherto we have been, and are like ſtill, for ought 'I ſee, to be paid, for all our expence of blood and 'treaſure, with the ſmoke, which *Boccalini* mentions 'in his advices from *Parnaſſus*, whereby the enemies 'of the government have but too great advantage given 'them to ridicule us for our fooliſh credulity.'

Thus far this blunt honeſt writer. And it muſt be owned, that the conſtitution has long been only nominally government by king, lords, and commons, but really a tyranny of ambitious and avaritious *miniſters*, who have, in ſucceſſion, enſlaved and blinded their royal maſters, waſted the public money, plunged the nation into inextricable debts and difficulties, multiplied places and penſions, kept up large and expenſive armies in time of peace, accumulated exciſes, miſapplied taxes, irritated our colonies, injured commerce, endangered public credit, debauched the virtue of the people, eſtabliſhed corruption, as a neceſſary engine of government, over-ruled elections, defeated the very end of chooſing repreſentatives, by debauching the houſe of commons, the people's only *Palladium* againſt regal and miniſterial tyranny, into a mere outwork of the court, by which means the ſenſe of the nation has been, in innumerable inſtances, trampled

upon

upon by the pretended repreſentatives of the people, whoſe duty is, to follow it implicitly.

Theſe are the triumphs of the whigs, our pretended deliverers from the *Stuarts* of tyrannical memory, and from popery, and ſlavery.

Nothing was done at the revolution (ſays the author of DISSERT. ON PARTIES [a]) to prevent *parliamentary* corruption. 'Pleaſed that the open attacks 'on our conſtitution were defeated and prevented, 'men entertained no thought of the ſecret attacks that 'might be carried on againſt the independency of par-'liaments, as if our dangers could be but of *one* 'kind, and could ariſe but from *one* family. Soon after 'the revolution, indeed, men of all ſides and of all 'denominations (for it was not a *party*-cauſe, though 'there were who endeaveured to make it ſuch) 'began to perceive, not only that nothing effectual 'had been done to hinder the undue influence of the 'crown in elections, and an over ballance of the crea-'tures of the court in parliament, but that the means 'of exerciſing ſuch an influence at the will of the 'crown, were unawares and inſenſibly increaſed and 'every day increaſing. In a word, they began to ſee 'that the foundations were laid of giving as great 'power to the crown indirectly, as the prerogative, 'they had formerly dreaded ſo much, could give direct-'ly, and of eſtabliſhing univerſal corruption. The firſt 'hath happened, and we pray that the laſt never may.'

King *William*'s convention-parliament ſhewed an unpardonable negligence in taking no ſecurity againſt kingly encroachments, nor againſt parliamentary corruption, nor for certain and annual redreſs of grie-

[a] P. 220.

vances, nor for annual parliaments. They complimented him immediately (before they had any ſecurity that he would not abuſe ſo enormous a truſt, and with the greateſt probability that the example would have bad effects) with the ſuſpenſion of the *Habeas Corpus* act, thereby laying at the feet of one individual the liberty of millions; which was never done in the much more dangerous times of queen *Elizabeth*, nor in *Monmouth*'s rebellion by the tyrant *James* II. They declared the *Iriſh* rebels, for adhering to king *James*, when they were liable to be hanged, if they had reſiſted him, and before the revolution was known in *Ireland*. They humoured the *Dutch* demands, in complaiſance to their new *Dutch* king, to the prejudice of *England*. They entered blindfold, and ruſhed on to a length beyond all reaſon and prudence, into *William*'s views of humbling *France* by land-war, and firſt entangled us in thoſe continental connexions, which have almoſt ruined us. Then parliament ſettled the king's revenue for life. Was that acting like wiſe men, who ought at leaſt to have read their Bible, which would have told them, that there is no truſt to be put in kings, &c.

Then came the bleſſed contrivance of borrowing, and ſpending the principal, to the amount of 4 and 5 millions in one year, in continental wars, and loading the trade of the nation to pay the intereſt. Which admirable art we have ſince improved to ſuch an height, as to raiſe the national debt to the frightful ſum of 140 millions, by which our trade has been loaded with a burden of 5,600,000 *l. per ann.*

According to *Davenant*, there were granted to king *William* by parliament, chiefly for his continental

2 wars,

wars, in the years 1689, 90, and so on to 1698, no less than 48,000,000 *l.*

Parliament overlooked in king *William* what they severely resented in his predecessor, the dispensing with the laws. King *William*, of his own authority, granted the *Irish* rebels conditions, which the laws refused them.

There was undoubtedly at the restoration, as well as at the revolution, a strong disposition both in parliament and people to humour the court. The nation was at these two periods just escaped from a tempestuous sea of intestine commotions, and getting into a calm harbour, was so overjoyed as to become almost wholly thoughtless of its danger in trusting kings and courts in so unlimited a manner. But a great part of these parliamentary concessions were the undoubted effect of direct gross bribery. It was thought, that the best part of 170,000 *l.* was given among the members of the house of commons by the *East India* company, *A. D.* 1695, to obtain a renewal of their exclusive charter, instead of opening the trade, which was much talked of at that time [a]. Twelve lords and twenty-four commoners were a committee appointed to search into those scenes of corruption.

'Whenever (says LEGION [b]) a house of commons 'shall part with, expose, neglect, or suffer to be 'infringed, the liberties, rights, and peace of the peo-'ple they represent' [and surely this they do, when they shew themselves the absolute slaves of the court by seconding the views of the ministry, right or wrong]

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[a] *Burn.* HIST. OWN TIMES, III. 199.

[b] *Somers's* TRACTS, III. 124.

wrong] 'they betray their truſt, they violate the ge-'neral reaſon of their being choſen; their repreſent-'ing power and being ceaſes of courſe, and they 'become, from that time forward, an unlawful aſſem-'bly, and may and ought to be depoſed and diſmiſſed 'by the ſame laws of nature and right, by which 'oppreſſed ſubjects may, and in all ages have depoſed 'tyrannical princes.—It cannot be juſt, that what 'our *kings* have no right to take away, our repreſen-'tatives may give without law, or that the people 'ſhould be obliged to endure the tyranny of 500 'uſurpers, more than of one, ſince no number nor 'quality of perſons can make that lawful which in 'its own nature is not ſo.' They afterwards com-plain, that the town of *Maidſtone* was deprived for two ſeſſions of its privilege of ſending two mem-bers. That at the elections for *Weſtbury* and *Sudbury*, the commons had given the ſeat to the candidate, who had 16 votes againſt 22. They complain of freeholders deprived of their right to chooſe members; of partiality with reſpect to defaulters, puniſhing ſome and letting others eſcape; of reſuming king *William*'s grants, while they allowed thoſe of former kings, though much more infamous; of attempts to extend the prerogative only for the ſake of embroil-ing the royal family with the peers. The commons were at that time diſaffected, and the peers ſeem to have been of a better way of thinking; which is very extraordinary.

Sad ſcenes of corruption were found, *A. D.* 1694. Several contractors for cloathing the army were exa-mined. Refuſing to ſatisfy the commons, they were committed to the Tower. A bill was ordered in for

puniſhing thoſe, who ſhould refuſe to anſwer queſtions aſked by the houſe [a].

Mr. *Corniſh* was expelled the houſe of commons, *A. D.* 1698, for acting as a commiſſioner of duties upon vellum, paper, parchment, &c. while a member, contrary to 5 and 6 *William* III. [b]

From diſcoveries made, *A. D.* 1695, it was ſuſpected, that an univerſal corruption had overſpread the nation, court, camp, city, and parliament. There was a deficiency of 294,798 *l.* in the *Eaſt India* company's ſtock, and ſome of the members were ſuſpected of dabbling [c]. To wipe off ſuſpicion, a committee of the commons was appointed to inſpect the company's books, and thoſe of the chamberlain of *London*. It appears that ſeveral members were bribed, that the company might obtain a new charter. There were likewiſe corrupt practices among them for procuring the orphan's bill [d]. A reſolution of the commons charged their ſpeaker, *Trevor*, with corruption for receiving 1000 guineas from the city of *London*, after paſſing the orphan's bill [e]. He ſends the mace to the houſe, and quits his poſt. *Foley* is choſen ſpeaker in his room. Reſolutions followed againſt ſeveral members, and a bill for obliging Sir *Tho. Cooke* to give an account of monies, which had paſſed through his hands. The bill was rejected by the lords, and *Cooke* ſuffered to eſcape, on promiſe, that he would make diſcoveries. He brings in a long and black liſt of thoſe who had fingered the money, perſons of noble rank,

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[a] Deb. Com. II. 448.
[b] *Bohun's* Right of Elect. 265.
[c] Deb. Com. II. 451. [d] Ibid. 454.
[e] Ibid. 456.

rank, and higher than noble; which, it was pretended, was only in consequence of antient custom at the renewing of charters. Sir *Josiah Child* deposed, that the *East India* company had proposed to offer the king 50,000 *l.* but that Mr. *Tyssen* had told them, from lord *Portland*, the king would have nothing to do with it [a]. A member (anonymous) said, The house ought to provide laws, for the future, to prevent the members taking money. There were severe reflections on the duke of *Leeds* [b]. It was proposed to address the king to remove him, or that the house should impeach him. 'Such actions as these' (a member said) 'are a blemish, if not a scandal to the 'revolution itself.' Another member asked, 'By 'what law it was a crime to take money at court?' It was answered, 'If there was no such law, it was 'time there should be one [c].' And it might have been added, That it is an article of the oath taken by all privy councellors, that they will avoid corruption [d]. 'Justice is not to be sold,' said another member, 'by common law.' [We should think that very uncommon law in our times, by which a man obtained justice *gratis*, and our ministers publicly declare, they think it necessary, that the court have influence in parliament. Is not that selling justice?] Another member said, 'There are parliaments to 'punish such crimes, and it is to be hoped, there will 'always be.' [Little did that honest gentleman think the time would come, when upwards of 200 notorious placemen and pensioners would sit in St. *Stephen*'s chapel without a blush on their faces.] 'Re-

'solved,

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[a] Deb. Com. II. 465. [b] Ibid. 466.
[c] Ibid. 467. [d] *Blackst.* Comm. I. 230.

'ſolved, That *Thomas* duke of *Leeds*, preſident of 'his majeſty's moſt honourable privy council' [a moſt honourable preſident!] 'be impeached of high crimes 'and miſdemeanours [a].' The duke of *Leeds* went to the houſe of commons, made a very weak ſpeech, denied his receiving any money; but it appeared afterwards, that this was a mere equivocation. The impeachment, however, was ſent up to the lords. They acquaint the commons, That they had paſſed a bill for impriſoning Sir *Tho. Cooke* and others. The commons reſolved, 'That to offer money, or other 'advantage, to a member, for promoting any matter 'whatſoever depending in parliament, is a *high* crime 'and miſdemeanour, tending to the ſubverſion of the '*Engliſh* conſtitution [b].' [There ought, therefore, ſince that time, to reconcile principles with practice, to have been a reſolution of the commons, That for a miniſter to offer, and actually to give money, and places to 200 members, for promoting his ſchemes, and to keep him in his place, is a *low* crime and miſdemeanour, *not tending* to the ſubverſion of the *Engliſh* conſtitution.] The commons were going on to impeach others; but were interrupted by Black Rod's calling them to attend the king, who was come to put an end to the ſeſſions [c]. [Which ſhews a king to be a very convenient implement for the miniſter's purpoſes.] There were ſeveral other very reaſonable bills before the houſe, which could not be carried through. And the king's concluding the ſeſſions, while they were ſearching into the above horrible ſcene of corruption, looks very indifferent on the part

[a] *Blackſt.* COMM. I. 467. [b] Ibid. 470.
[c] Ibid. 471.

part of our glorious deliverer. He pretended, the ſeaſon of the year required his going abroad. That parliament never met again; being diſſolved ſoon after [a].

Reflexions being made againſt the miniſtry by the tories, *A. D.* 1690, a commiſſion was appointed to enquire into the laying out of the public money. A certain number of the commons (the lords declining) were choſen by ballot, with authority to ſend for perſons, papers, and records, and to examine upon oath [b]. This might be of ſervice in thoſe times. But in an age, when the majority of the commons are corrupt, the majority of every committee muſt be the ſame, if the doctrine of chances may be depended upon.

At the ſame time that *France* was bribing *Charles* II.'s parliament, money for the ſame purpoſe came over from *Spain* and the Emperor to gain the members to their party [c].

Prodigious quantities of *French* gold were brought over *A. D.* 1701, ſuppoſed for bribing parliament. A ſtrong party for *France* in parliament [d].

It was reſolved, *A. D.* 1707, that it appears to the houſe that of 29,395 *Engliſhmen*, who ſhould have been at the battle of *Almanza*, there were but 8,660. The queen was addreſſed to know why [e]. She anſwers, that there could no more be ſent. But I think it does not appear very clear why they were not. Therefore it

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[a] *Blackſt.* COMM. I. 471.
[b] *Burn.* HIST. OWN TIMES, III. 90.
[c] *Dalrymp.* MEM. II. 110.
[d] *Tind.* CONTIN. I. 439.
[e] DEB. COM. IV. 81.

it was moved to cenſure the neglect of not ſending troops in time. But the cenſure was by the court-party over-ruled, and turned into an addreſs of thanks for the queen's care of the affairs of *Spain*.

A formidable effect of miniſterial power in parliament was ſeen in the fatal peace of *Utrecht*; of which queen *Anne*'s miniſters, in the following ſpeech, *A. D.* 1713, celebrate the praiſes, and herald forth their triumphs over their country.—'I hope at the next 'meeting the affair of commerce will be ſo well under-'ſtood that the advantageous conditions I have ob-'tained from *France*, will be made effectual for the 'benefit of our trade. I cannot part with ſo good 'and ſo loyal an houſe of commons, without ex-'preſſing how ſenſible I am of the affection, zeal and 'duty, with which you have behaved yourſelves; and 'I think myſelf therefore obliged to take notice of 'thoſe remarkable ſervices you have performed. At 'your firſt meeting you found a method, without farther 'charge to my people, to eaſe them of the heavy load 'of more than nine millions; and the way of doing 'it may bring great advantage to the nation. In this 'ſeſſion you have enabled me to be juſt in paying the 'debts due to my ſervants. And as you furniſhed 'ſupplies for carrying on the war, ſo you have 'ſtrengthened my hands in obtaining a peace. Thus 'you have ſhewed yourſelves the true repreſentatives of 'my loyal commons, by the juſt regard you have paid 'to the good of your country and my honour: theſe 'proceedings will, I doubt not, preſerve the memory 'of this parliament to poſterity. My lords and gentle-'men, At my coming to the crown, I found a war 'prepared for me. God has bleſſed my arms with 'many victories, and at laſt has enabled me to make 'them

'them useful by a safe and honourable peace. I 'heartily thank you for the assistance you have given 'me therein, and I promise myself, that, with your 'concurrence, it will be lasting. To this end, I 'recommend it to you all to make my subjects truly 'sensible what they gain by the peace, and that you 'will endeavour to dissipate those groundless jealousies 'which have been so industriously fomented amongst us, 'that our unhappy divisions may not weaken, and, in 'some sort, endanger the advantages I have obtained 'for my kingdoms. There are some (very few, I 'hope) who will never be satisfied with any govern- 'ment; it is necessary, therefore, that you shew your 'love to your country, by exerting yourselves to 'obviate the malice of the ill-minded, and to un- 'deceive the deluded. Nothing can establish peace at 'home, nothing can recover the disorders that have 'happened during so long a war, but a steady adhering 'to the constitution in church and state. Such as are 'true to these principles, are only to be relied on; 'and, as they have the best title to my favour, so you 'may depend upon my having no interest nor aim, but 'your advantage, and the securing of our religion and 'liberty. I hope, for the quiet of these nations, and 'the universal good, that I shall next winter meet my 'parliament resolved to act upon the same principles, 'with the same prudence, and with such vigour, as 'may enable me to support the liberties of *Europe* 'abroad, and reduce the spirit of faction at home.'

It was proposed, to take the speech into consideration. Immediately the cry was given for an address of thanks, and no examination. They accordingly acknowledge her great *condescension* in letting them know their *own* affair, which they had an absolute

abſolute *right* to know, and to determine as *they* pleaſed, as being the repreſentatives of the great body, the people, the principal object. They 'want words to 'expreſs the ſatisfaction with which they have received 'all that her majeſty was pleaſed to impart.' 'Entire confidence in her.' She anſwers, that they ſhall 'find 'the good effects of their confidence'—In the bleſſed peace of *Utrecht* [a].

The bill for the *French* trade was propoſed, *A. D.* 1713, to be engroſſed. The debates held from 3 till near 11. Sir *Thomas Hanmer* ſaid, 'he never would be led by 'any miniſter [b].' Even ſome of the placemen were againſt the bill. It was carried againſt its being engroſſed, 194 againſt 185. A frightful number of enemies to *Britain* and friends to *France*, ſitting in the aſſembly of *Britiſh* legiſlators.

By the treaty of *Utrecht*, *Dunkirk* was not to be demoliſhed till an equivalent for it was put into the hands of the *French*. What that was to be, the court never explained. *Cape Breton* was left to *France*, with liberty of drying their fiſh on *Newfoundland*. All *French* goods were to come into *England* upon the ſame conditions as thoſe of other countries, though they will hardly take any of ours in exchange, and though our *Portugueſe* trade (one of the moſt advantageous we then had) and our ſilk, our linnen, and paper-manufactures muſt have been ruined by admitting the *French*, and though it was found in former times, that our trade with *France* was a million a year loſs to us. All trading people were alarmed. Yet a bill for making the treaty of commerce with *France* effectual was within 9 votes of being eſtabliſhed by miniſterial

[a] Deb. Com. iv. 315. [b] Ibid. v. 40.

sterial influence. This whole affair was carried on in the most barefaced manner; nothing attempted to shew the advantage of a commerce with *France*, though so much to demonstrate, that it would prove ruinous to the nation [a]. Yet we have people among us, who cry, There is no fear that a parliament will pursue an interest contrary to that of the nation.

In the commons' address of thanks to the queen for that hopeful treaty, are the following. 'Your 'majesty's extensive care hath not only provided for 'the security, but for the honour of your kingdoms.— 'The good foundation your majesty has laid for the 'interest of your people in trade, by what you have 'done in the treaty of navigation and commerce with '*France*, gives us hopes of seeing it yet farther im- 'proved to the advantage of your kingdoms.' They go on requesting that the treaty of commerce may be compleated, &c [b]. The queen thanks them for the address, 'which so fully expresses their approbation of the trea- 'ties of peace and commerce with *France*. It was with 'no small difficulty that so great advantages in trade, 'were obtained for my subjects.' This cure has cost me an infinite deal of trouble, says the mock-doctor. Was this parliament a representation of the people of *England*, which approved what the whole people shewed themselves so much against?

Both houses address the queen upon the safe, honourable, and advantageous peace of *Utrecht* [c]; by which *England* got just nothing but 50 millions debt. They thank her for 'delivering the nation from a consuming '*land* war unequally carried on, and become at last 'im-

[a] *Burn.* iv. 389-403.
[b] Deb. Com. v. 43. [c] Ibid. v. 187.

'impracticable.' She anſwers, that ſhe looks upon this addreſs as the united voice of her affectionate and loyal ſubjects. It was the voice of jacobites only, and of a parliament enſlaved to a jacobite miniſtry, and the miniſtry knew it was ſo. *Burnet* ſays, the lords never approved it. See his ſpeech prepared to have been delivered in the houſe of peers, in caſe the miniſtry had moved for an act, or an addreſs, approving the peace, after it was publiſhed [a]. The good biſhop, like a faithful preacher of righteouſneſs, inveighs heavily againſt the perfidy of the court in patching up a peace without the conſent and approbation of the allies, contrary to the expreſs words of the treaties of alliance, upon which the war was, at the joint expence of the allies, entered into. 'Swearing deceitfully, ſays he [b], is one of the worſt characters; and he, who ſwears to his own hurt, and changes not, is amongſt the beſt. It is a maxim of the wiſeſt of kings, that the throne is eſtabliſhed by righteouſneſs. Treaties are of the nature of oaths, and when an oath is aſked to confirm a treaty, it is never denied.' He goes on to ſhew, 'that the popes were the firſt inventors of a diſpenſing power, by which they taught princes to break through oaths and treaties, and mentions ſeveral ſhocking inſtances, very unfit for the imitation of a proteſtant court. He ſays, if any of the allies were deficient, there ought to have been demands and proteſtations, according to the uſual forms in ſuch caſes; and that theſe being wanting, he cannot ſee, that the public faith was not broken firſt on our ſide.'

[a] HIST. OWN TIMES, IV. 397. [b] Ibid. 399.

Let us hear the ſenſe of *Geo.* I.'s miniſtry on that fatal tranſaction, in his firſt ſpeech, *A. D.* 1715 [a], and the anſwer of the commons.

'It were to be wiſhed (ſays the king) that the unparalleled ſucceſſes of a war, which was ſo wiſely and chearfully ſupported by this nation, in order to procure a good peace, had been attended with a ſuitable concluſion. But it is with concern I muſt tell you, that ſome conditions, even of this peace, eſſential to the ſecurity and trade of *Great Britain*, are not yet duly executed, and the performance of the whole may be looked upon as precarious, &c. A great part of our trade is rendered impracticable, the public debts are very great, and ſurprizingly increaſed even ſince the fatal ceſſation of arms,' &c.

And the commons in their addreſs, expreſs themſelves as follows;

'We are ſenſibly touched, not only with the diſappointment, but with the reproach brought upon the nation by the unſuitable concluſion of a war, which was carried on at ſo vaſt an expence, and attended with ſuch unparalleled ſucceſſes. But as that diſhonour cannot, with juſtice, be imputed to the whole nation, ſo we firmly hope and believe, that through your majeſty's great wiſdom, and the faithful endeavours of your commons, the reputation of theſe your kingdoms will in due time be vindicated and reſtored. We are under aſtoniſhment to find —that care was not taken [in framing the treaty] to form ſuch alliances, as might have rendered that peace not precarious—Your commons are under the deepeſt

[a] Deb. Com. vi. 10.

'deepeſt concern, that a great part of our trade is 'rendered impracticable,' &c. So ſoon were all the lies bandied between the tory miniſtry, and the enſlaved parliament, overthrown!

All, all but truth, drops dead-born from the preſs;
Like the laſt gazette, or the laſt addreſs. *Pope.*

A number of new writs were made out for filling vacancies made by members accepting places[a], *A. D.* 1711. The collectors of the debates have given us an excellent quotation on this ſubject from SHORT HIST. OF THE PARL. by R. W. Eſq. as follows.

'It was never known, that days were ſet apart for 'rewarding members of parliament with *places* and 'employments. He who looks upon the votes of the 'laſt day of the firſt ſeſſion, will find almoſt nothing 'done, but new writs ordered in the room of parliament men, who had received their *wages* for their 'paſt year's ſervices. And to ſuch a pitch were they 'come at laſt, that at the end of the ſecond ſeſſion, 'when the queen's ſpeech was made, and the ſeſſion 'cloſed to all other intents and purpoſes, both houſes 'are ordered to adjourn themſelves for eighteen days, 'as if ſomething extraordinary was ſtill behind, that 'might require the ſitting of the parliament. But 'when the day comes, nothing is done, but a 2d liſt 'of *loyal* members, preferred, is produced; and the 'vacancies of patriots turned courtiers, are, by new 'writs, ordered to be filled up; that theſe *dutiful* 'members might be ready at the beginning of next 'ſeſſion, to *ſerve* thoſe, who had ſo well *rewarded* 'their *paſt ſervices*.'

[a] DEB. COM. IV. 223.

A motion was made by *Pulteney*, *A. D.* 1712, on occasion of the inactivity of *Ormond* in *Flanders*, that the queen be addressed to desire him to exert his utmost efforts towards obtaining peace. *St. John* in the house of commons, and *Oxford* in the house of peers *(par nobile fratrum!)* give assurances that all was well. The motion was changed into an address of entire confidence in the queen [a].

'The surest way to destroy this government has 'always been thought to be, by its own hands, that 'is by the authority and power of parliament. For 'this purpose a confederacy by which the liberties of '*Europe* had been so long sustained against the power 'of *France*, was broken to pieces by votes obtained 'in this house in the most extraordinary manner.' *Lechmere*'s speech in the house of commons, *A. D.* 1715 [b].

Lord *Stanhope*, in his speech in the house of peers, *A. D.* 1718, sneers at the duke of *Argyle* for changing sides, according as he was in or out. The duke answers, that he voted with the ministry, when he thought they were right, and against them when wrong [c]. If we could see our parliaments proceed in that impartial manner, we should have a better opinion of their integrity. On the contrary, in *Walpole*'s times there was a set of members whose names never failed to be seen on the court side of every vote.

Lord *Chatham* in his speech on the stamp-act publickly accused a certain assembly of an over-ruling influence; and added the following: 'I know not how 'it is; but we observe a modesty in the house, that 'does

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[a] Deb. Com. iv. 310. [b] Ibid. vi. 54.
[c] Deb. Lords, iii. 76.

'does not love to contradict a minister. I wish gentlemen would get the better of this modesty. If 'they do not, perhaps the collective body may begin 'to abate of its respect for the representative.'

'When the king and his ministers,' says Sir *J. Packington* on the peerage bill, *A. D.* 1719, 'thought 'fit to enter into a strict alliance with *France*, *A. D.* '1717, and thereby to give that antient and irreconcilable enemy of *England* an opportunity to retrieve 'their low and desperate affairs, the commons did 'not oppose those measures. When his majesty judged 'it necessary either for the good of his subjects, or to 'secure some acquisitions in *Germany*, to declare war 'against *Sweden*, his faithful commons readily provided for those great expences. When afterwards 'it was thought proper to deprive the subjects of the 'beneficial trade to *Spain* by declaring war against 'that crown, and sending a fleet into the *Mediterranean*, to serve as ferry-boats for the emperor's troops, 'the good-natured commons approved these wise counsels[a].'

The famous *South-sea* year exhibited a shocking scene of ministerial influence in parliament.

Knight, the villainous *S. S.* cashier, was suffered to escape, during his examination, and when seized at *Antwerp*, again let slip, and afterwards pardoned[b].

It was found, that 40 lords and commoners were concerned in the *S. S.* scheme, and 300,000 *l.* given in bribes to obtain an act of parliament allowing that company to erect itself into a bubble[c]. 'To sum up 'this whole affair in a few words (which would

[a] Deb. Com. vi. 209.

[b] Use and Abuse of Parl. i. 240. [c] Ibid.

'require a volume to detect and expose as it deserves) 'Though the mischief done by this infamous conspi-'racy was visible to the whole world; and no skreen 'whatever was broad enough to cover the guilty from 'the knowledge and resentments of the public; the 'public vengeance fell only upon Mr. *Aislabie* (who 'was made the scape-goat of the ministry) upon the 'directors, and upon the estate of Mr. *Craggs*, sen. 'then in his grave, in the shape of expulsions, fines, 'and disqualifications. As the majority without doors 'had tasted of the calamity, there is but too much 'reason to fear the majority within either partook of 'the guilt, or were prevailed upon to join in com-'pounding the felony: Not only court lords but court 'ladies had put in for a share of the spoil; nor could 'hardly any suspicion arise but what had some plau-'sible circumstances to warrant it.'

Three very salutary motions were, in the year 1728, rejected by the commons, *viz.* 1. For a committee to enquire what members had (what members had not, would have been an easier task) places holden in trust for them. 2. For preventing the translation of bishops. 3. For an address against the 1200 *Hessians* in *British* pay [a].

It has been the constant labour of ministers to persuade the people, that all those, who endeavour to detect their villainous schemes, are disaffected, or designing men, and that their views are not the public good; but their own advancement on the ruins of those, whom they strive to bring into disgrace with the public.

'If

[a] USE AND ABUSE OF PARL. II. 423.

'If' (says *Geo.* II. that is, the minister, in his speech, *A. D.* 1728) 'among other reasons, hopes 'given from hence of creating discontents and divi- 'sions among my subjects, and a prospect of seeing 'difficulties arise at home, have greatly encouraged 'them in their dilatory proceedings, I am persuaded 'that your known affection to me, and a just regard 'for your own honour and the interest and security of 'the nation, will determine you effectually to discou- 'rage the unnatural and injurious practices of some 'few who suggest the means of distressing their coun- 'try, and afterwards clamour at the inconveniencies 'which they themselves have occasioned. It is more 'than probable, that foreign courts will wait now for 'the result of your deliberations, and as you may 'depend upon my constancy and steadiness, that no 'wicked and groundless suggestions or insinuations 'shall make me depart from my present purposes, so I 'entirely rely upon your wisdom and unanimity, &c.'

'However home these reflections were upon those 'who opposed the court measures, or how apparently 'soever tending to abridge the freedom of parliament, 'the majority of both houses betrayed no resentment; 'but on the contrary insisted upon thanks for and 'compliances with every article. When therefore, 'the minority in the house of commons stickled only 'for the alteration of a single word in the address, '*restore* for *secure* the commerce, and supported their 'claim with unanswerable reasons, drawn from noto- 'rious facts, they were defeated by 249 voices against '87. Having given this earnest of their ductility and 'complaisance, we are not to wonder that the whole 'session was of a piece[a].'

Thus

[a] Use and Abuse of Parl. ii. 356.

Thus lord *Egmont*, *A. D.* 1751, 'From what has 'been propoſed by the two hon. gentlemen, who made 'and ſeconded this motion,' [for an addreſs of thanks and general approbation of all meaſures] 'I ſhould 'have concluded, if they had not told me otherwiſe, 'that they were acquainted with all the ſecrets of the 'cabinet, and had ſeen all the inſtructions ſent to our 'miniſters at foreign courts, as well as all the advices 'received from them; for without ſuch a thorough 'knowledge, no man can, in my opinion, with honour 'agree to what they have propoſed; and what gives me 'much more concern, I am afraid that ſuch a thorough 'knowledge would be ſo far from warranting ſuch a 'plumb approbation of all our foreign affairs, that 'it would furniſh us with ſufficient reaſons for 'cenſuring every ſtep that has been taken for ſome 'time paſt. As to the authority, which it is pretended 'we have from his majeſty's ſpeech from the throne, 'every gentleman knows, that in this houſe we are 'always to look upon that ſpeech as the ſpeech of the 'miniſter; and I have read of very few miniſters whoſe 'aſſeverations, though given in the moſt religious, as 'well as ſolemn manner, I ſhould depend upon with 'reſpect to any fact relating to their own conduct. 'Nor can I ſay that I have more dependence upon the 'teſtimony of our preſent miniſters, than I could ever 'have upon that of any other. I muſt even be ſo free 'as to ſay, that what I have heard this day renders me 'a little more ſuſpicious of their regard to truth, than 'I ever was heretofore. I confeſs I have as little 'acquaintance with the affairs of the cabinet as either 'of the honourable gentlemen, or, I believe, as any 'gentleman in the kingdom. I know nothing of 'our foreign affairs, but what I have from our public

2 'gazettes,

'gazettes, and these I know are often cooked up in 'order to deceive; but suppose they were not, and 'suppose we had from this news-paper-knowledge sufficient authority for believing every thing which by 'this motion we are to profess we believe, would this 'be an authority sufficient for this house to found any 'resolution upon? Is it not inconsistent with the dignity of this house and with the uniform practice of 'our ancestors to found our resolutions upon any thing 'but parliamentary knowledge [a]?'

He goes on to shew, that instead of general approbation of the measures pursued by the ministry, there was much room for censure; instead of congratulation, much cause for condolance. Our shipping seized by the *Spaniards*, our colonies attacked by the *French*; the continent of *Europe* rather embroiled than quieted by our interposition in their quarrels; a disgraceful treaty with *Spain*; the peace of *Aix-la-Chapelle* dishonourable and precarious; the nation insulting *England* every where; settling the neutral islands in direct violation of the treaty; imprudent and unprofitable alliances on the continent of *Europe*, with subsidies of endless expence to *Britain*, &c.

In *Walpole's*, and all such dirty times, the constant endeavour of the opposition has been to get at facts, proceedings, extracts, papers, &c. and the part of the ministerial crew, to negative all such motions. We accordingly find, in most sessions, six or eight such motions quashed; every one of which was highly reasonable, many of them such, that the house was obliged to proceed in the dark for want of necessary papers, which the minister well knew to be very unfit for

[a] *Ann.* Reg. Com. iv. 177.

for public inſpection. Beſides, it is a general rule with all men, who have indirect ſchemes in view, to conceal as many particulars as they can: for they are aware, that the knowledge of every particular furniſhes their detectors with an advantage againſt them. He knew human nature well, who obſerved, that thoſe whoſe deeds are evil, love darkneſs rather than light. But ſuch ſtateſmen give us authority to believe the very *worſt* of their proceedings. They leave it to our imaginations to paint them as black as we pleaſe; and might as well let us know the worſt; if it were not for the fear of impeachment, from which they are ſafe ſo long as they can keep legal proof out of our reach, though they leave us no room to doubt of their guilt by their care to conceal their practices from us.

When Sir *Geo. Byng*'s inſtructions were called for by the oppoſition, *A. D.* 1721, and the queſtion overruled by miniſterial influence, ſeveral lords proteſted; 'Becauſe not finding any inſtance, on ſearch of the 'journals, we believe there is none wherein a motion 'for admirals inſtructions to be laid before the houſe 'has been denied; but on the contrary, there are 'many precedents of inſtructions of a like nature, 'and in ſtronger caſes, as we conceive, addreſſed for 'by the houſe, and ſeveral in point for inſtructions 'given to admirals, particularly to Sir *George Rooke*, 'and Sir *Cloudeſly Shovel*; nor does it ſeem to us at all 'material, whether the conduct of ſuch admirals had 'or had not been blamed before ſuch inſtructions 'were aſked for, ſince the ſight of inſtructions may 'be previouſly and abſolutely neceſſary to inform the 'houſe whether their conduct be blameable or not. '2. Becauſe we think it highly reaſonable that theſe 'inſtruc-

'instructions should be laid before this house, upon 'which the action of the *British* against the *Spanish* 'fleet in the *Mediterranean*, was founded, without 'any previous declaration of war, and even whilst a '*British* minister, a secretary of state, was amicably 'treating at *Madrid*, which court might justly con-'clude itself secure from any hostile attack during 'the continuance of such negotiations. 3. Because 'till we have a sight of those instructions, and are 'able to judge of the reasons, on which they are 'founded; the war with *Spain*, in which that action 'of our fleet involved us, does not appear to us so 'justifiable as we could wish, and yet was plainly 'prejudicial to the nation in sundry respects; for it 'occasioned an entire interruption of our most valu-'able commerce with *Spain*, at a time when *Great* '*Britain* needed all the advantages of peace, to extri-'cate itself from that heavy national debt it lay under; 'and as it deprived us of the friendship of *Spain*, not 'easily to be retrieved, so it gave our rivals in trade an 'opportunity to insinuate themselves into their affec-'tions; and, we conceive, that to the war alone is 'owing the strict union there is at present between 'the crowns of *France* and *Spain*, which it was the 'interest of *Great Britain* to have kept always divided, 'an union, which in its consequences may prove 'fatal to these kingdoms. Nor does it appear that '*Great Britain* has had any fruits from this war be-'yond its being restored to the same trade we had 'with *Spain* before we began it [a].'

A motion, *A. D.* 1732, for a committee to inquire whether any members sate contrary to law, passes in the negative [b].

3 Motion

[a] Deb. Lords, iii. 202. [b] Deb. Com. vii. 236.

Motion for admitting admiral *Haddock*'s inſtructions to be laid before the houſe, *A. D.* 1731, paſſes in the negative [a].

A motion, *A. D.* 1739, for an account to be laid before the houſe of all ſhips of war built for government's ſervice. Over-ruled. The people muſt have no ſatisfaction about the laying out of their money [b].

The eſcape of the *French* fleet from Sir *J. Norris*, *A. D.* 1744, though he was much ſuperior to them, was never enquired into, nor puniſhed [c].

Several lords, *A. D.* 1721, move for an addreſs to the king, that lord *Carteret*'s inſtructions for the court of *Sweden*, be laid before the houſe. Over-ruled. Several lords proteſted. Looked ill, and as if there was ſomewhat in them not fit to be ſeen [d].

Hor. Walpole fairly oppoſes parliamentary enquiries into the conduct of miniſters, as 'never to be ſet on 'foot, but when there is an abſolute and apparent 'neceſſity for ſo doing' [—which there is at all times—]. There was no neceſſity, he thought, for any enquiry how the nation came to be, for 20 years together, inſulted by a ſtate ſo much inferior in power as *Spain* is allowed to be. And he afterwards alledges [what every boy of 10 years of age could have confuted] that the enquiry into the conduct of the tory miniſtry in the end of queen *Anne*'s reign, was the cauſe of the rebellion in 1715. That therefore 'all 'ſuch enquiries muſt be allowed to be of dangerous 'conſequence to the tranquillity of the nation' [or to the miniſter, and his crew; witneſs the report of the ſecret

[a] Deb. Com. x. 1. [b] Ibid. xi. 281.
[c] Contin. *Rap.* viii. 32.
[d] Deb. Lords, iii. 190.

ſecret committee] 'and are generally ſet on foot by 'perſonal enemies to thoſe in the adminiſtration [a].' Therefore, I ſuppoſe, if once a leviathan of power gets into the open ſea of adminiſtration, he is to be allowed to wallow there as long as he pleaſes, and no bold hand muſt attempt to harpoon him.

Mr. *Waller* anſwered him well as follows; 'I ſhall 'readily admit that the rights and privileges of parli- 'ament have not of late years been ſo much diſputed 'by our miniſters as they were formerly, and if it 'were neceſſary I could give a very good reaſon for 'this complaiſance on the part of our miniſters; but 'the acknowledging of our right to enquire, will 'ſignify but little, if it ſhould ever come to be in the 'power of miniſters to prevail with a majority of this 'houſe to put a negative upon every queſtion that 'tends to an enquiry. This, I hope, is not now our 'caſe: but I muſt obſerve, that for many years paſt 'either our miniſters have been extremely good, or 'our parliaments extremely complaiſant, for there 'has been no regular parliamentary enquiry into the 'conduct of any one miniſter, whilſt he continued 'to be ſo; and if no miniſter's conduct is ever to be 'examined by parliament till after he is given up by 'the crown, I cannot think that parliamentary en- 'quiry will ever be of any great ſervice to the nation. 'The hon. gentleman that ſpoke laſt has been ſo good 'as to acknowledge our right to enquire into the con- 'duct of public affairs; but if the arguments he has been 'pleaſed to make uſe of upon this occaſion be allowed to 'be of any weight, I am ſure no parliamentary en- 'quiry into a miniſter's conduct can ever be ſet on 'foot,

[a] Deb. Com. xi. 334.

'foot, becauſe they will be of equal weight againſt 'every future enquiry, and every motion that may tend 'to enquiry.'

The *Walpolians* oppoſed all motions for enquiries into the conduct of the miniſtry during the negotiation with *Spain*, becauſe ſuch enquiries would occaſion the producing of many papers, which would widen the breach, and make a war with *Spain* unavoidable. And afterwards, when war was actually declared, and there was no longer any pretence on that account for oppoſing an enquiry—then the miniſterial party oppoſed all parliamentary enquiry, becauſe the conſequence would be the publication of the government's plans for carrying on the war. The plain *Engliſh* of all which is, 'None of your enquiries.'

Sir *John Barnard* argues on the ſame occaſion admirably as follows [a]; 'Sir, I have always attended my duty 'in this houſe, and always ſhall, as long as the people 'do me the honour of chooſing me one of their repre'ſentatives; but if we are never to enquire into the 'conduct of any miniſter, till that miniſter, or the 'crown, gives us leave to do ſo, our attending here, 'or our meeting together in this houſe, will be of 'very little ſignification to the people; for I may 'venture to prophefy that if ever we ſhould have a 'houſe of commons ſo complaiſant to the crown, as 'not to enquire into the conduct of miniſters, with'out a *congé* for that purpoſe, ſuch a houſe of com'mons will be as complaiſant in every other reſpect, 'and will conſequently agree to every law the crown 'may be pleaſed to propoſe, and to every grant the 'crown may be pleaſed to demand and inſiſt on. 'Like

[a] Deb. Com. xi. 350.

'Like ſome of the petty ſtates in *France*, or *Germany*, 'we may make humble remonſtrances to our ſove- 'reign, and repreſent our inability to comply with 'the free gift demanded of us; but when our ſove- 'reign, or his prime miniſter, ſays it muſt be done, 'we may depend on it that ſuch a houſe of commons 'will always ſubmit and agree to what is demanded 'of them. The gentlemen of the other ſide of the 'queſtion ſhould be cautious of mentioning any thing 'that has been lately done in *Spain*: for there are 'many things now done in that kingdom which neither 'would or could be done if that country had pre- 'ſerved their antient freedom and independency; and 'if the maxims theſe gentlemen have been pleaſed 'to advance upon this occaſion ſhould ever be received 'in this kingdom, our parliaments will ſoon become 'as complaiſant to the crown, and of as little uſe to 'the people, as the cortez now are in *Spain*. A parlia- 'mentary enquiry into a miniſter's conduct is, I find, 'very much miſtaken by the gentlemen who oppoſe 'this queſtion. Sir, it is not a trial: It is a ſort of 'debt which every miniſter owes to the public. A 'miniſter is a ſort of agent or ſteward for the public; 'and is not every ſteward obliged to give an account 'of his ſtewardſhip? When a lord happens, upon 'the general view of his affairs, to be perfectly ſatiſ- 'fied with the management of his ſteward, he may ſave 'himſelf the trouble of examining, or appointing 'others to examine, particularly into his ſteward's 'conduct and accounts; and in the ſame manner, 'when a nation happens, upon the general view of 'public affairs, to be perfectly well ſatisfied with 'the conduct of its miniſters, there is no neceſſity 'for a particular enquiry into their conduct. But

'will any gentleman ſay this is our caſe at preſent? 'Sir, our conduct, as members of this houſe, is not 'in this caſe to be directed by our own opinion. 'This houſe is not the lord to whom our miniſters 'are to anſwer for their conduct. The *people* are 'the lord, to whom they are to anſwer, and we are 'appointed by the people to examine into their con-'duct and accounts. Therefore, when the people in 'general, or a great part of them, ſeem diſſatisfied 'with the conduct of public affairs, it is our duty, 'whatever we ourſelves may think, to make a ſtrict 'and impartial enquiry into the conduct of our mini-'ſters, and to call for all papers that may be neceſ-'ſary for that purpoſe. This is not ſubjecting our 'miniſters to a trial; it is only making them give 'an account to the people of their ſtewardſhip, which 'is an obligation they lay themſelves under, when 'they accept of being the miniſters of the crown, 'and conſequently the ſtewards of the people; and 'they ought to be ready to perform the obligation 'when and as often as the people may pleaſe to require 'it. I am ſorry it is not performed much oftener 'than has been uſual of late years: I am ſure the 'oftener it is performed, the more it will redound to 'the honour of a good adminiſtration, the better ſafe-'guard it will be to the people againſt the frauds and 'oppreſſions of a bad one.'

'My lords, we muſt enquire' (ſays lord *Carteret*, in the debate on the addreſs, *A. D.* 1740[a]:) 'The 'whole kingdom expects it at our hands. If we do 'not, there will be ugly inſinuations made againſt the 'dignity and honour of this houſe both at home and 'abroad. For this very reaſon we ought to agree 'to

[a] Deb. Lords, vii. 472.

'to the noble duke's motion in order to satisfy the 'people as soon as possible, that in this session we will 'do our duty. It is a duty we owe to our sovereign as 'well as his people. If this proposition is refused, or set 'aside by the previous question, I shall look upon it as 'a refusal of any enquiry, and therefore, I must, in 'my own vindication, protest. In the glorious and 'successful administration that has been mentioned, 'though the ministers were willing, as all ministers 'are, to accept of all the panegyrics the parliament 'was willing to bestow, yet being conscious of their 'own innocence, they were too wise to oppose, or 'endeavour to evade an enquiry. There was then 'no mutual compact between a minister and his tools 'to protect one another against an impartial enquiry, 'and therefore in the year 1707, when a complaint 'was brought into this house against the admiralty, 'and an enquiry into the conduct of that board moved 'for, though prince *George* himself was then at the 'head of the admiralty, the ministers were so far from 'opposing, that they promoted an enquiry. A com-'mittee was accordingly appointed, and a strict en-'quiry carried on. Whereupon it was found that 'the prince's council had been guilty of great neglects 'with regard to the appointing of cruizers and con-'voys for protecting our trade; for which, and for 'several other neglects and misdemeanours alledged 'against them, they were removed from that board, 'without so much as an attempt made by the mini-'sters either to screen them from being found guilty, 'or to protect them after they were.'

A motion was made, *A. D.* 1741, after *Walpole* was out of power, for inquiry into the conduct of affairs last 20 years [a]. Lord *Limerick*, who made

[a] Deb. Com. xiii. 140.

the motion, ſaid, 'It is juſtly ſuſpected, that during 'the laſt twenty years, our miniſters have taken moſt 'unjuſtifiable methods for gaining a corrupt influence, 'both at elections and in parliament. While our 'conſtitution ſubſiſts in all its force, it is certain, 'that the parliament, or at leaſt this houſe of parlia- 'ment, will always be of the ſame complexion with 'the generality of the people. It is from this houſe, 'his majeſty is to know the ſentiments as well as the 'complaints of his people; therefore, when meaſures 'generally diſliked by the people, meet with an ap- 'probation from this houſe, it may be juſtly ſuſpected, 'that ſome illegal methods have been taken for ob- 'taining that approbation; and if upon a new elec- 'tion a miniſter, who by his crimes or imprudence 'has rendered himſelf generally obnoxious to the peo- 'ple, ſhould nevertheleſs get a majority of his friends, 'or rather creatures, returned as members of this 'houſe, we muſt ſuppoſe, that ſome illegal methods 'were taken for obtaining thoſe returns.'

A motion being made, *A. D.* 1741, by Mr. *Pulteney*, that the ſeveral papers preſented to the houſe on *Monday*, and yeſterday by Mr. Comptroller, be referred to a ſelect committee, and that they do examine the ſame, and report to the houſe what they find material therein, it occaſioned a great debate. Mr. *Pulteney* introduced his motion with the following ſpeech. 'Mr. Speaker. I have always thought, that when 'papers of ſtate are called for by this houſe, as well as 'when ſuch papers are laid before us without being 'called for; it ſhould be with ſome ſort of view or 'deſign. We know very well, that when treaties, 'eſtimates, or accounts are laid before us, without 'being called for, it is generally with a deſign to

'demand a ſum of money, or vote of credit; and ſuch 'demands have of late years been uſually complied with, 'I believe, by moſt members of this houſe, without ſo 'much as looking at any one of the papers or eſtimates 'which were laid before us as the foundation of that 'demand. This practice, Sir, muſt be allowed to be 'a little extraordinary; but our late practice with 'regard to thoſe papers that are expreſly called for, 'has been much more ſurprizing; for after the papers 'called for have been laid before us, they have been 'ordered to lie upon the table, and there they have 'generally lain without the leaſt examination, as if 'we had no view in calling for them, but that of en-'creaſing the bulk of our votes by long liſts of letters, 'inſtructions and memorials. Experience has ſhewn, 'that when ſuch papers are ordered to lie upon the 'table for the peruſal of the members, they are ſeldom 'peruſed with attention by any, and when they are 'peruſed ſeparately and diſtinctly by a few particular 'members, none of them have authority enough to 'prevail with the houſe to enter into a ſtrict enquiry, 'or to take into conſideration the errors, miſtakes, or 'blunders, they may from ſuch papers have diſ-'covered. For this reaſon, Sir, and that the nation 'may ſee we do not put the adminiſtration to the 'trouble and expence of laying piles of ſtate-papers 'before us, without any view or deſign either for the 'ſervice or ſatisfaction of the public, I think, when 'we call for any papers of importance, and they are 'accordingly laid before us, they ought of courſe to 'be referred to a ſelect committee, that they may 'examine them ſtrictly, and report their remarks, 'obſervations, or objections to the houſe; for the 'examination of ſuch a committee muſt always be

'more exact and full, and their report will have more 'weight, than the examination or report of any ſingle 'member who peruſes the papers upon our table with-'out any direction or authority from the houſe [a].'

The multitude of commiſſioners and officers of the treaſury, ſays lord *Digby* againſt *Walpole* [b], 'not-'withſtanding there being too great a number of both, 'can no way endanger the diſcovery of any miſappli-'cation of the public treaſure, eſpecially when the firſt 'commiſſioner has the direction of the ſecretary's office 'in the kingdom. The other commiſſioners, and the 'officers, either do not really know how the money 'iſſued by them is applied, or elſe they will never make 'a diſcovery, as long as they know that their firſt com-'miſſioner continues to be the chief favourite of the 'crown. This has been the touch-ſtone of ſuch diſ-'coveries for many years paſt, and always will be ſo, 'till we have a parliament independent and reſolute 'enough to pull a ſuſpected miniſter even from behind 'the throne itſelf.'

'I am not at all ſurprized,' (ſays Mr. alderman *Heathcote* [c]) 'to hear the prerogatives of the crown 'trumped up as a bar to any enquiry; for they have 'always been ſet up by miniſters againſt every enquiry 'or proſecution that was ever propoſed in parliament; 'but this can never be of any weight with thoſe who 'can properly diſtinguiſh between the prerogatives of 'the crown and the privileges of parliament. The 'prerogatives of the crown, Sir, were all eſtabliſhed 'by our conſtitution for the public good; and, when 'they are properly made uſe of, the parliament hath 'nothing

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[a] Deb. Com. xiii. 70. [b] Ibid. 200.

[c] Ann. Deb. Com. ii. 268.

'nothing to do with them; but when they are made a 'wicked or an imprudent uſe of, the parliament hath 'then a right to interfere, and to puniſh thoſe who 'adviſed the king to make ſuch an uſe of the preroga-'tive. Thus the king has by his prerogative the ſole 'power of appointing all commanders both by ſea and 'land, and while proper perſons are employed, the 'parliament has no right to intermeddle; but when 'improper perſons are appointed, and the public has 'ſuffered, or is like to ſuffer, the parliament has a 'right to interpoſe, and not only to remove the worth-'leſs perſons ſo appointed, but to puniſh thoſe who 'adviſed the appointing of ſuch. But, ſays the hon. 'gentleman, if we once begin to enquire into and 'puniſh thoſe who adviſed the appointing of any gene-'ral or admiral, we ſhall of courſe ſoon begin to 'aſſume to ourſelves the power of appointing generals 'and admirals. I wiſh the hon. gentleman would 're-conſider this argument. If he does, he will find 'it to be in ſhort thus. If we do what we have a right 'to do, we ſhall of courſe ſoon begin to do what we 'have no right to do. This may be logick among 'miniſters of ſtate; but I am ſure it would not be 'allowed to paſs for ſuch among the under-graduates 'of any of our univerſities. By this method of ar-'guing, Sir, we ſhould put an end to one of the chief 'uſes of parliaments, which is to take care that none 'of the prerogatives of the crown, which were all 'deſigned for the ſafety of the people, ſhall be ever 'turned towards their deſtruction; but however much 'this method of arguing may prevail among miniſters 'of ſtate, I hope it will never be admitted by this 'aſſembly. Here I hope the antient maxim of our 'conſtitution will always prevail, That the king has

'many prerogatives to do good; but not so much as 'one to do evil [a].'

On a motion, *A. D.* 1744, for enquiring into the cause of the miscarriage at *Toulon*, Mr. *Cornwal* complains, as follows, of the effect of ministerial influence in parliament. 'Sir, My duty to my country, and 'my duty to my neareſt and deareſt relation, force me 'up, to second the motion, which the worthy gentle-'man behind me has so properly made you; but I must 'always call the day he has mentioned cruel, as well as 'honourable: However,

His saltem accumulem donis, et fungar inani
Munere—— VIRG.

'And to say the truth, Sir, the hon. gentleman and I 'have frequently before now intended to move a 'question of this sort, but we have as often expected 'it to come from more able gentlemen now in my eye, 'as one condition, *sine qua non*, of their change of 'situation. More than half of the session is lapsed, 'and not one of these conditions is fulfilled. Sir, 'almost all the money is given, not only all that the 'most believing and most sanguine country gentleman 'can raise, but all that the most devoted courtier can 'ask: but not a single grievance has been redressed. 'Should not these, Sir, and our supplies proceed *pari* '*passu?* Let us therefore for shame make a beginning 'with this; and as it cannot be redressed but by en-'quiry, let us now exercise one of our fundamental 'rights, which our infatuation, not corruption to be 'sure, has so long suspended, that it is almost lost. 'There is not a man in the nation, who does not know 'in his private capacity that there has been great mis-'conduct,

[a] *Alm.* DEB. COM. II. 268.

'conduct, nay cowardice somewhere or other in the 'commanders of this *English* Armada. Should not 'then, Sir, even our ministers themselves have laid the 'whole before parliament? But which of us in his 'public capacity here has heard a word of it? Do none 'of our ministers recollect what was done when the duke 'of *York* commanded in the time of king *Charles* IId, 'and admiral *Russel* in that of king *William?* And these, 'Sir, were in some sort victories: for although in the 'former the *Dutch* burnt some of our ships at *Chatham*; 'yet before they got back, we sunk and destroyed twenty 'of their capital ships, though superior to us in num-'ber; and although in the latter we destroyed sixteen 'of the *French* men of war, for which the admiral 'had the thanks of both houses, and was created earl 'of *Torrington*; yet, Sir, those princes were advised, 'unaddressed, to lay these matters upon your table, 'and I read in your journals, that censures were passed 'on particular parts of these transactions. But now, 'Sir, though more than a twelvemonth ago forty 'ships of *England* made with a difficulty a drawn 'battle against 30 of the combined fleets, yet the 'parliament is told nothing, nor has asked a single 'question concerning it. Therefore, for God's sake, 'Sir, for the sake of common sense, as well as justice 'and our own honour, let this enquiry be hastened. 'I shall, for the sake of form, trouble you with two 'subsequent motions, *viz.* That it may be a com-'mittee of the whole house, and that this house do, 'this day fortnight resolve itself into a committee of 'the whole house upon this matter. Our journals 'justify the form and method of proceeding; and if 'any gentleman has objections to the thing, I hope I 'shall be permitted to enter the lists with him; for 'though on any other subject I should be soon van-'quished,

'quiſhed, yet on this ſelf-evident propoſition I cannot 'but think of obtaining a complete victory [a].'

'Our chief buſineſs in this houſe,' ſays Mr. *Carew*, *A. D.* 1745, 'is to keep a watchful eye over thoſe, 'who, under our ſovereign, are the firſt ſprings of our 'government, and to make an enquiry into their 'conduct, as often as we find the leaſt reaſon to 'ſuſpect that they have been prompted by ſome private 'view, to do or adviſe any thing that was inconſiſtent 'or of dangerous conſequence to the public welfare. 'This, I ſay, is our chief buſineſs: this is our duty; 'and this duty we are the more obliged to perform 'when it appears that our country has ſuffered, or is 'like to ſuffer ſeverely, by the miſconduct or the bad 'advice given by our miniſters [b].'

It is owing to the ſame fatal influence in the parliament of a neighbouring kingdom, that my much-honoured friend Sir *W. Mayne*, and his worthy adherents, have met with ſuch oppoſition in their late moſt reaſonable demand in parliament of papers, accounts, and tranſactions relating to the public concerns of that declining country [c].

A. D. 1734, a meſſage was brought to the commons from the king, deſiring that the houſe would enable him to augment his army [againſt the windmills on the continent] if neceſſary, between the diſſolution of that parliament and the ſitting of a new one.

Sir *William Wyndham* ſpoke on this occaſion as follows: 'Sir, I muſt own my ſurprize is as great as 'my worthy friend's, that a meſſage of this nature 'ſhould be ſent to this houſe ſo near to the cloſe of

[a] *Alm.* Deb. Com. II. 177. [b] Ibid. 258,

[c] See the News-Papers of *Nov.* 1773.

'this session; for whatever promises were or were not 'made the first day of the session, I am very sure most 'gentlemen expected that every thing of consequence 'had been over long before this time; and upon this 'general presumption, a great many gentlemen who 'have not the honour to be let into ministerial secrets, 'are gone into the country; it being at present more 'necessary perhaps than usual for such gentlemen to 'return to their respective countries, in order to 'prevent their being bought and jobbed out of that 'natural interest by which only they can expect to 'enjoy the honour of representing their country in 'parliament. But however necessary perhaps their 'presence may be at this time, yet if time be allowed 'them, I doubt not but most of them will think it 'their duty to return to the service of their country 'in this house when they hear that a matter of so very 'great importance is to come before us; it is I think, 'Sir, a matter of the highest importance; it is as my 'worthy friend called it an absolute surrender of our 'all, a surrender of the rights, and a delegating the 'power of parliament to the crown. This absolute 'power, it is true, is now demanded but till next 'session of parliament: but if it were not for the con-'fidence I repose in his present majesty, I should be 'much afraid the next session would never be allowed 'to meet unless upon the new election a majority of the 'members should appear to be such as would be ready 'to confirm or to renew that surrender. The honour-'able gentleman on the floor has told us, that it has 'always been usual to shew so much respect to the 'crown, as to take such messages as the present into 'our consideration the very next day, and that he 'remembers no instance to the contrary. It is true,

'Sir,

'Sir, since I have sat in parliament I remember many, 'but too many, messages something of this nature; 'and I believe they have always been taken into con- 'sideration the next day; but that did not proceed 'so much from the respect we owe to the crown, as 'from the cause of sending the message. There never 'was a message of this kind sent from the crown but 'when the nation was threatened with some such 'thing as an immediate invasion or insurrection, which 'in the body of the message was expressed to be the 'reason or cause of sending such a message, and as in 'such cases the near approach of the danger required 'the immediate concerting of proper measures to 'prevent it, we may suppose this was the chief rea- 'son of their being so immediately taken into consi- 'deration by this house. But as we are generally 'apt to improve upon bad precedents, I will be bold 'to say, that there never was such a message sent to 'parliament as the present, either with respect to 'its nature, to the reason of sending it, or to the 'time of its being sent. By no message that ever 'was sent to parliament, was there an absolute and 'unlimited power demanded by the crown, which, to 'every gentleman, must appear at first sight to be the 'demand now made upon us; there was never such 'a message sent to parliament, but what informed 'us of some immediate danger impending and just 'ready to fall upon the nation. By the present mes- 'sage we are told of no such thing; nor do I believe 'that any such thing can be pretended; and I remem- 'ber no instance of a message any way resembling 'this, that ever was sent to this house, the very end 'of a session, and that session the last of a parliament. 'I cannot indeed, Sir, form to myself a reason why 'any

'any such message should have been at all sent; and 'much less can I form a reason why it should have 'been sent at such a remarkable time; therefore, I 'must think that gentlemen will certainly expect to 'be informed by those who are able to inform them, 'what necessity there was for this message, and from 'what sudden and, till now, unforeseen change in our 'affairs, the sending of such a message has now become 'more necessary than it was at any time during the 'former part of the session,' &c.

Many other members spoke unanswerably on the impropriety of such a message at such a time. But the ministry carried their point [a].

When it was determined, *A. D.* 1736, that, to save the destruction of the people by spirituous liquors, certain burdens should be laid upon them, to enhance their price, and put them out of the reach of the vulgar; the *Walpolian* crew, ever attentive to money-matters, ever thirsting for the people's life-blood, insisted, that 70,000 *l.* a year should be settled on the civil list, to make up for the deficiency, which would ensue, they said, upon the discouragement of spirituous liquors. It was urged, that the restraint laid on the use of spirituous liquors would improve all the revenues, and the civil list among the rest, because it would save the lives of multitudes, and there would be a greater consumption of beer, &c. and that, at most, parliament was only obliged to make good 43,000 *l.* the sum, which the duties on spirituous liquors were expected to raise, the 70,000 *l.* being a consequence of the people's excess. But the courtiers insisted, that parliament had no business to enquire 'whether

[a] Deb. Com. viii. 212.

'whether the duties granted to the civil list, produced 'the expected sum of 800,000 *l.* a year, or a million; 'but if they did really produce more, that surplus was 'a sort of prize already granted to his majesty' [that is, to the ministry] 'and parliament neither ought, 'nor could take any part of that surplus from him, 'or make any alteration,' [however necessary for the safety of the people] 'by which that surplus might 'be diminished, without making good the loss in 'some other way [a].' Thus these modest gentlemen argued, that the ministry ought to have certain revenues whole, that they might always have enough to dole away among their crew, whether those revenues produced a million, or two millions, annually, and that the poor people are never to be gainers by any improvement made in revenue-matters. All the while, they shewed no anxiety, whether the sinking fund might lose. No matter what becomes of the public. This is the manner of construing, at court, the old maxim, *Salus populi suprema lex.* It was carried, however, for the 70,000 *l.*

A. D. 1738, the house goes up with an address of thanks for the convention, which was so unpopular, they were ashamed to print it, in the votes, as usual. What a state of corruption the house must have been in [b]!

'Laws, being the rules of government, ought (says 'a *Chinese* emperor [c],) to be faultless.' By the same rule, the law-makers ought to be faultless; not to be the most lawless part of the people; not the great cor-

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[a] Deb. Com. ix. 185. [b] Ibid. x. 6.

[c] Mod. Univ. Hist. viii. 166.

corruptors of the people. It is infinitely ſhameful to ſee the parents leading the children into wickedneſs.

'It is a maxim, Sir,' (ſays Sir *W. Wyndham* in the debate, *A. D.* 1738, on the *Spaniſh* depredations) 'that we ought not to ſpeak ill of the dead: but this 'maxim relates to dead *men*, not to dead *parliaments*. 'Of parliaments we muſt ſay nothing amiſs, while 'they are living; but after they are dead, we are 'allowed to tell the truth, and to give our ſentiments 'of them freely. This parliament will ſoon come to 'die as others have done before it: It can live but a 'very few years longer; therefore let us conſider what 'people will ſay of us when we are dead, if we ſhould 'give the leaſt reaſon to ſuſpect that we approved of 'ſuch a maxim. Some former parliaments ſeemed to 'ſpeak, upon all occaſions, the ſenſe of miniſters, and 'their ſenſe only. But I am ſure the character now 'generally given to thoſe parliaments can be no en-'couragement for us to follow their example [a].'

'The houſe of commons had' for many years 'ſcarce any other employment than receiving addreſ-'ſes and petitions concerning the *Spaniſh* depreda-'tions.'—'The arts and influence of the miniſter would 'have continued to defeat the voice of the nation and 'all the independent part of the parliament that called 'for war, had not the court of *Spain*—baffled all the 'complying arts made uſe of by the *Britiſh* miniſter, 'who would ſtill have put off the war, had the court 'of *Madrid* condeſcended even to ſave common ap-'pearances by ſeeming diſpoſed to grant ſatisfaction 'to the *Britiſh* nation [b].' At laſt, the king prevailed for war ſore againſt *Walpole*'s inclination, who deſerved to

[a] Deb. Com. x. 253.

[b] Mod. Univ. Hist. xli. 411.

to lose his head for opposing the sense of the nation, though the sense of the nation had been wrong.

The duke of *Argyle* observed, *A. D.* 1739, in the debate on the pension-bill, that it was a little extraordinary, that the commons should pass the pension-bill, and very soon after reject a place-bill [a]. There is no doubt, but the principle of a place-bill is the same with that of a pension-bill; and that there could be no reason given for passing one, that was not equally good for passing the other. But this proceeding of the commons may be explained by supposing, that, when the place-bill was five times passed by the commons, and thrown out by the lords, there was an understanding between the houses, and the commons passed upon the certainty that the lords would reject; and that when the commons rejected, they had not settled matters with the other house. Otherwise we must look upon them as a set of drivellers acting upon no principle whatever.

'Of late years, (says Mr. *Pulteney* [b]) gentlemen 'have been led, I do not know how, into a new me-'thod of proceeding in parliament, a method very dif-'ferent from what our ancestors did always observe. 'In former times the general or particular grievances 'were first examined, considered and redressed in par-'liament before they entered upon the granting of 'any supplies; but lately we have been led into a 'method of granting all the money necessary for the 'public service among the first things we do. The 'malt tax bill, the land tax bill, and such bills are 'now in every session the first things that appear upon 'the journals of this house; and when these things 'are finished, the gentlemen in the administration 'generally

[a] Deb. Com. vi. 398. [b] Ibid. vii. 286.

'generally look on the whole buſineſs of the ſeſſion 'to be over. If this houſe ſhould then enter upon 'any diſagreeable enquiries into grievances, we might 'perhaps be told, that the ſeaſon was too far 'ſpent; that it was neceſſary for gentlemen to return 'home to mind their private affairs; we might pro-'bably be obliged to defer to another ſeſſion what the 'welfare of this nation required to be determined in 'the preſent. I hope gentlemen will conſider this, and 'that they will again begin to follow the wiſe method 'obſerved by our anceſtors, and keep ſome ſecurity in 'our own hands for our ſitting till we have heard and 'redreſſed all the grievances of our fellow ſubjects.'

'Whatever we may think, my lords, here at home,' ſays lord *Carteret*, *A. D.* 1739, 'I have good reaſon 'to believe that the frequency of ſuch demands' [votes of credit, civil liſt debts, &c.] 'and the ready com-'pliance they have all met with, renders our conſti-'tution the common jeſt of every man abroad. Our 'pretences to liberty will, I fear, in a ſhort time, be-'come as much the ridicule of foreigners as our late 'conduct has already rendered our pretences to the 'holding of the balance of power in *Europe*. I was 'confirmed in this opinion by a queſtion lately put to 'me by a *French* nobleman. He was a man of good 'ſenſe, and yet he one day ſeriouſly aſked me what 'difference there was between the parliament of *Eng-'land* and the parliaments they have in *France*. I 'readily anſwered, and I hope I had ſome ground for 'ſaying, that in *France* the king makes their laws or 'edicts, and their parliaments muſt comply with what-'ever the king deſires, but in *England* our laws are 'made by king and parliament, and our parliaments 'may refuſe to comply with whatever the king deſires.

'To which he as readily replied; In your late hiſtory 'we read of ſeveral extraordinary meſſages or demands 'ſent by your king to his parliament, no one of 'which was ever refuſed; and pray where is the 'difference between an edict made by the king, and 'an edict made by king and parliament, if the par-'liament never refuſes what the king is pleaſed to 'demand; for our parliaments claim the privilege of 'refuſing as well as yours; and if a trial were to be 'made, ſuch a refuſal might perhaps be found as in-'ſignificant in *England* as it now appears to be in '*France*. This I am apt to believe, my lords, is the 'way of thinking in other countries as well as *France*; 'and if a general vote of credit and confidence ſhould 'once become a ſort of cuſtomary compliment from 'the parliament to the crown, at the end of every 'ſeſſion, or as often as our miniſters may think fit to 'deſire it, this may become the way of thinking at 'home, as well as abroad. If this ſhould ever come 'to be the caſe, our parliaments will of courſe become 'deſpicable in the eyes of moſt of our own people; 'and when the form of an act of parliament begins 'to be contemned, a proclamation may eaſily and 'ſafely be ſubſtituted in its ſtead. It would indeed 'be happy for the nation it were ſo, for when a par-'liament ceaſes to be a check upon miniſters, it be-'comes an uſeleſs and unneceſſary burden upon the 'people. The repreſentatives of the people in parlia-'ment muſt always be paid ſome way or other by the 'people: If their wages are not paid openly and 'fairly by their reſpective conſtituents, as they were 'formerly, a majority of them may, in future times, 'be always ready to accept of wages from the admini-'ſtration, which muſt at laſt come out of the pockets

'of the people, and will fall with a much greater 'weight upon them; at the ſame time that it renders 'their repreſentatives of no uſe to them. There is no 'way of preventing this, but by putting it out of the 'power of miniſters to pay wages either to the elec- 'tors or elected; and this can be no way done, but 'by ſtrictly confining public grants to public ſervices, 'according to the eſtimates previouſly delivered into 'parliament.'

'In all caſes' (ſays Mr. *Sandys* in the debate on the *Spaniſh* depredations, *A. D.* 1739 [a]) 'we ought 'to diſtinguiſh carefully between the reſpect due to 'the crown and the regard that may be claimed by 'the miniſters of the crown. To the crown we 'owe a great and a ſincere regard; but to miniſters 'none, but what they juſtly acquire by their conduct. 'Nay, a regard for the latter may often be incon- 'ſiſtent with that regard which is due to the former. 'Of late years parliaments have ſhewn a much greater 'reſpect to the miniſters of the crown, than was 'uſual in former ages; and I am under ſome appre- 'henſions that by continuing to ſhew the ſame reſpect 'for a few years longer, we ſhall at laſt loſe all that 'reſpect which the people of this kingdom ought to 'have for their parliaments. If this ſhould ever happen 'to be our caſe, which God forbid! our happy con- 'ſtitution would be at an end: Our people could 'not then be governed by parliaments, or by any ſort 'of civil government. They muſt be ruled by a 'ſtanding army and a military government.'

Several lords proteſted, *A. D.* 1740, againſt addreſſing the king on his ſpeech, in particular terms.

[a] Deb. Com. xi. 108.

'Becauſe it was the antient cuſtom of the lords to 'preſent an immediate *general* addreſs of thanks only, 'and to take time to conſider the matters contained 'in the ſpeech. That the houſe had then time to 'form a judgment and to give their advice to the 'crown. That a ſpeech from the throne was juſtly 'conſidered as the act of miniſters; that ecchoing back 'the particulars of a ſpeech was a modern expedient 'to procure a precipitate approbation of meaſures that 'might not be approved upon better conſideration. 'That an enquiry into the inaction of the laſt year, 'notwithſtanding the immenſe expence of maintain-'ing fleets and armies, was the proper buſineſs of 'that houſe, and would be a means of bringing the 'war to a happy concluſion, &c.[a]'

I might very properly inſert under this head of *miniſterial influence in the houſe*, the greateſt part of two whole articles I have collected, *viz. Miniſters*, and *Peculation*, which together would make a volume, and ſhall appear, abridged, in the ſequel. But I will only, as a ſample, *inſtar omnium*, give here the following charges brought againſt *Walpole*, that miniſter of miniſters, that corruptor of corruptors, by the lord *Digby*, *A. D.* 1741[b].

'That all the titles, honours, penſions, places and 'other favours of the crown, have for twenty years 'paſt been diſpoſed of to none but ſuch as voted in 'parliament or at elections, according to the direction 'of the miniſter: That within theſe ten years ſeveral 'perſons of high rank and great merit have been diſ-'miſſed from all the offices they held at the pleaſure 'of

[a] Deb. Lords, vii. 480.

[b] Deb. Com. xiii. 198.

'of the crown, for no other known or assignable reason, but because they opposed the minister in parliament: That officers in the army and navy, who got themselves seats in this house, and voted as they were bid, have gained preferments out of their rank, to the disappointment of officers of longer service and greater merit in their military capacity: These things are known to all men both within doors and without; and are of themselves a strong presumption, if not a certain proof, that our minister had a formed design to overthrow our constitution by establishing a corrupt influence in parliament.'

Pelham, in defending *Walpole*[a], alledges, that it could not be *proved*, that he had corrupted the house of commons. He challenges any gentleman then in the house, to convict *Walpole* of requesting, or tempting him, or any one else, to vote against his conscience. But if Mr. *Sandys* had asked *Pelham*, how it came to pass, that there were in the house some hundreds of placemen; why places were given to so many *parliament-men*, above all others; and why those places were taken away, when members voted against the minister's measures;—what would he have answered? Had I a suit at law, and did I publickly scatter bank-notes among the jurymen, would there be any need of proof, that I meant to bias them? Thus clumsily do these ministerial tools endeavour to deceive us in a manner too gross to pass upon children or idiots.

Observe the modesty of *Walpole* himself in his own defence. 'As for the declamatory excursions that

[a] Deb. Com. xii. 84.

'have been made about the alarm given to the people
'by the great number of officers civil and military, we
'have at preſent, and about the danger our liberties
'and conſtitution may be expoſed to by corrupt prac-
'tices, they may be, and I find they are introduced
'into every debate; but as it would be an endleſs
'taſk to anſwer them upon every occaſion, all I ſhall
'ſay to them upon this is, that we are here in the
'proper place for enquiring into ſuch things: If any
'gentleman knows of an unneceſſary office that has
'been lately ſet up, or an unneceſſary officer appoint-
'ed: If any gentleman knows of any attack that has
'been lately made or attempted upon our conſtitution;
'or if any gentleman knows of any corrupt practices
'lately introduced, or made uſe of, he may, nay,
'as a member of this houſe, which is the grand in-
'queſt of the nation, he is in duty bound to take
'notice of it to the houſe: But then he ought to be
'particular: He ought to name the office, or offi-
'cers, ſet up or appointed, the attack that has been
'attempted, or the corrupt practice that has been made
'uſe of; and he ought to move for an enquiry into
'what he finds fault with; for by thus declaiming in
'general, he can do no ſervice to his country, he
'can give the houſe no information, nor correct any
'abuſe. He does nothing but take up the time of
'this houſe moſt unneceſſarily; for he cannot expect
'that ſuch general declamations, though they may
'pleaſe the galleries, ſhould have any influence upon
'any gentleman, who has the honour of being a
'member of the houſe; much leſs can he expect their
'having ſuch an influence in this queſtion, where the
'vigorous proſecution of the war is at ſtake, than in
'any

'any queſtion of a different nature, that can come 'before us [a].'

A thorough-paced miniſter makes no more heſitation in carrying on his views at the peril of the nation, than at the riſque of a few pounds electioneering money. An *Oxford* and a *Bolingbroke* muſt keep in place at all adventures. A *Walpole* muſt not reſign, be the conſequences what they will. 'It is neceſſary for 'me to croſs the river,' (ſays *Alexander* to his captains, telling him that it was as much as his life was worth to attempt to paſs the *Granicus*) 'but it is 'not neceſſary for me to live.' Many inſtances of this deſperate tenaciouſneſs at the hazard of the nation will appear in the article *Miniſters* in the ſequel. At preſent I only refer to one or two exhibitions of *Walpolian* influence of this kind, in the matters of *Hoſier* and *Vernon*, &c.

In the year 1728, the commons voted the orders given to *Hoſier* juſt, prudent, and neceſſary; while the nation, and all *Europe* knew, that the unfortunate admiral, and his brave men, were ſacrificed to the villainous ſchemes of a miniſter [b]. See the lords proteſt [c].

And of the affair of *Vernon* the authors of the MOD. UNIV. HIST. write thus. 'The nation was not at 'this time deſtitute of able naval commanders, 'but they were unfortunately in the intereſt of the 'miniſter, to whom they knew a vigorous war would 'be diſagreeable, and moſt of them being members of 'parliament, had generally voted on his ſide [d].' *Vernon*,

[a] DEB. COM. XI. 195.
[b] USE AND ABUSE OF PARL. II. 362.
[c] Ibid. 370. [d] MOD. UNIV. HIST. XLI. 413.

non, who was not at that time in parliament, had often ſpoke againſt the miniſter and his pacific ſchemes, and declared that he could take *Porto Bello* with 6 ſhips only. Therefore he was taken at his word, the miniſter probably hoping, that he would have no better ſucceſs than *Hojier*.

In the ſame manner, there is too much reaſon to conclude, that the duke of *Newcaſtle*'s ſending out the unfortunate *Byng*, *A. D.* 1756, ſo ill appointed, and with ſo inſufficient a fleet againſt the *French* (if it had not happened, that a ſhip or two from *Minorca* made good a junction with Mr. *Byng*, his fleet had not been equal in number with the enemy's) there is, I ſay, too much reaſon to conclude, that this proceeding was in the confidence that cowardly miniſtry had of being ſecured by a corrupt parliament.

The three following ſtrokes of *Walpolian* parliamentary legerdemain ſtand together in the USE AND ABUSE OF PARL.[a] *viz.* the throwing out a qualification act; quaſhing a motion for a committee to enquire, whether any members ſate in the houſe contrary to law; and a vote for *England*'s paying the deficiencies of a *French* ſubſidy to *Denmark*.

Walpole was ſo pinched for money to gratify his harpyes, that he had nothing to ſpare for war againſt *Spain*, which treated *England* for many years with an inſolence, that would have ill become the greateſt power in *Europe* to the meaneſt. At laſt, when the outcry of the nation forced him into a mockery of war, *Porto Bello*, and two *Caracca* ſhips were taken. Thus one man had it in his power to make this great nation univerſally contemptible; at the full exertion of

[a] II. 448.

of whose force in the late war, all *Europe* even now stands aghast. Such are the direful effects of ministerial influence in parliament. Accordingly *Pelham*'s chief defence of *Walpole* is taken from the approbation given to his measures by parliament, at the same time that *Pelham* knew in his conscience, that parliament was filled with *Walpole*'s creatures [a].

In the year 1742, the lords read, a second time [b], a bill or quieting corporations, by which all enquiry and prosecution against mayors, aldermen, and other officers of towns, and their official proceedings, were to be null and void, unless commenced within a certain limited time. This bill was occasioned by an appeal to the lords in consequence of violent means used by *Walpole* to compel the election of some of his creatures for *Weymouth* [c]. And such was the influence of ministerial power, that the sentence of the inferior court was confirmed, though so far from being unexceptionable, that lord *Talbot*, on the occasion, expressed himself as follows.

'Let us enquire, my lords, how we shall discharge 'the duty of judges by confirming the sentence which 'is now before us; let us examine, whether we 'shall act as the guardians of right, and the last resort 'of oppressed privilege, or whether we shall not ap'pear instruments of ministerial tyranny and the mean 'reporters of the sentence of an inferior court. By 'confirming this sentence, we shall not only deprive 'a magistrate of his office which he holds by a claim, 'which has been thought just for more than a century, 'and in the exercise of which it appears reasonable to 'believe

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[a] Deb. Com. xii. 80.

[b] Deb. Lords, viii. 495. [c] Ibid. 482.

'believe that he is disturbed not for misbehaviour, but 'discharging his trust; but we shall entail upon the 'town and corporation perpetual confusion and distur- 'bance, evils which government was instituted to pre- 'vent; we shall subject them for ever to the authority 'of men untryed and unexperienced; and by conse- 'quence to all the mischiefs of ignorant, if not cor- 'rupt administration. This, my lords, is sufficient 'to determine my judgment; and, I hope, it will be 'of equal weight in that of others. I shall not wil- 'lingly interpret a charter, which is always an act 'of royal favour, to the disadvantage of them to whom 'it was granted; for I never heard of a charter of 'corruption, or ignorance, or misery; and since it 'is more happy to live without government, than to 'be governed ill, I cannot believe that a charter like 'this, as it is now interpreted, was ever given. I 'therefore conclude the judgment erroneous, and once 'more move that it may be reversed.'

The duke of *Bedford* said, on this occasion [a], 'The absurdities of this construction' [of the char- ter of the town of *Weymouth*] 'have already been 'explained by the noble lord, and are, indeed, such 'as cannot be aggravated, extenuated, or avoided. 'But by admitting that sense of the charter which 'has been for more than a century received, it is 'evident, from experience, the only sure test in such 'cases, that no inconveniences will follow. This 'complaint of the violation of the charter did not 'arise from any sense of inconveniencies which it 'produced, or of injuries which the inhabitants of 'that place imagined themselves to receive from usur- 'pation

[a] Deb. Lords, viii. 498.

'pation or tyranny; it was not promoted by any man
'who thought himſelf unjuſtly debarred from autho-
'rity, or by any body of men excluded from their
'ſhare in the government of the town. The proſe-
'cution, my lords, was the effect of miniſterial re-
'ſentment; it was threatened to influence the election,
'and was executed, not to humble the haughtineſs
'of guilt, but to cruſh the firmneſs of integrity;
'to puniſh thoſe who could not be terrified, and to
'obtain for thoſe the ſatisfaction of revenge, who
'had loſt the pleaſure of ſucceſs. For this purpoſe
'an attorney, that was a ſtranger to the borough,
'was employed to haraſs the mayor with a proſecution
'defeated at the aſſizes, where men of plain ſenſe were
'to determine the cauſe, but ſucceſsful in the court
'of King's-bench, where law and ſubtility were ad-
'mitted. If ſuch proceedings, my lords, ſhould re-
'ceive a ſanction from this great aſſembly, how long
'can any corporation hope to enjoy its privileges,
'after having dared to reject the overtures of the
'agents of a miniſter? Of what value will be the
'immunities which our kings have beſtowed upon
'many cities of this kingdom as rewards of their
'loyalty, as encouragements to trade, as marks of
'honour and diſtinction, or for the more eaſy admi-
'niſtration of government? If proſecutions like this
'be allowed, it will be at any time in the power of
'a ſubtle villain to deprive them of their rights, to
'diſturb the exerciſe of lawful authority, to confound
'all ſubordination, to fill the courts of juſtice with
'expenſive ſuits, and the whole with perplexity and
'terror. Such, my lords, will be the injuſtice of con-
'firming this ſentence, and ſuch the miſeries which
'that act of injuſtice will bring upon us; and there-
'fore

'fore I ſhall continue to oppoſe it; as I hope always 'to appear an advocate for right, and the happineſs 'of my country.'

Lord *Cheſterfield* in the debate on the ſame bill for quieting corporations [a], expoſes, with great humour, the craft of miniſters, and miniſterial tools, which is the ſame with that of lawyers, and churchmen, when any reformation is propoſed. 'Suppoſe' (ſays he) 'I 'were a miniſter, and was reſolved to overturn the 'liberties of my country, by getting into my hands 'the abſolute direction of our cities and boroughs, 'with regard to their elections, would not I oppoſe 'ſuch a bill as this? I certainly would, but bad poli-'tician as I am, I would not be ſo very weak as to 'oppoſe it directly. No, I would ingenuouſly ac-'knowledge the danger: I would acknowledge the 'neceſſity of doing ſomething to prevent it: I would 'mourn over the dangerous ſtate of public liberty; 'but then I would take great care to raiſe as many 'objections as I could to every regulation propoſed for 'its defence. I would exaggerate every difficulty 'and inconvenience we might be expoſed to by ſuch a 'regulation; and if no real dangers of this kind 'could be ſuggeſted, imaginary ones would ſupply 'their place. This, my lords, has always been, 'and will always be, the method taken by thoſe who 'have deſigns againſt our liberties, in order to ob-'ſtruct ſuch regulations as might defeat their deſigns.'

Lord *Cheſterfield* afterwards obſerves, that all the lords acknowledged the uſefulneſs of ſuch a bill, though they ſeemed unwilling to do any thing in it at preſent. If the bill was imperfect, it was natural to commit

[a] Deb. Lords, viii. 526.

commit it for improvement. He apprehends, the houſe may loſe credit by throwing it out. He ſhews, that the bill would not ſecure any magiſtrate of a corporation in acting contrary to juſtice and the ſtanding laws. That the worſt conſequence will be an unqualified perſon's being choſen a magiſtrate, or choſen in an irregular manner. But, if proſecution againſt him is commenced in due time, the bill would not protect him. 'A noble lord,' ſays he, 'was pleaſed 'to call our corporations the creatures of the crown. 'Too many of them, my lords, are ſo: I am for 'making them leſs ſo; and am therefore for having 'this bill paſſed into a law; for whatever bad conſe-'quences it may be attended with, I am ſure they 'cannot be ſo bad as the conſequences of our neglect-'ing or delaying to make any regulation for guarding 'againſt or removing the danger to which we are at 'preſent expoſed. It has been ſaid, my lords, that 'no attempts have been lately made upon the freedom 'of our corporations: 'Tis true no ſuch violent 'attempts have been lately made as were made in 'former reigns; but even lately, and but very lately 'too, the freedom of our corporations has been 'nibbled at, and that nibbling has been made ſo ma-'niſeſt by the report I have mentioned, that I am 'ſurpriſed to hear the contrary aſſerted by any lord 'in this houſe. I muſt ſuppoſe, that ſuch lords have 'never read that report, and muſt therefore recom-'mend it to their ſerious peruſal; for they will thence 'ſee not only that corporations have been proſecuted 'at the expence of the crown, for the neglect of inſig-'nificant formalities; but that the cauſe of the pro-'ſecution's being brought, was expreſsly their refu-'ſing to chooſe ſuch repreſentatives as the miniſter 'directed.

'directed. Was not this an attempt againſt the free-
'dom of our corporations? My lords, it was an
'attempt not only againſt the freedom of that par-
'ticular corporation, but of all our corporations,
'becauſe the magiſtrates of every corporation in the
'kingdom will from thence ſee the conſequence of
'their being diſobedient to the commands of a mini-
'ſter; and the example muſt neceſſarily have moſt
'fatal effect, if we do not, by ſome new law, remove
'or leſſen the dread of being expoſed to the ſame
'conſequence. But ſuppoſe we had no ſuch mani-
'feſt proof: ſuppoſe no ſuch terrifying example had
'lately been made; from the very nature of the thing,
'we muſt be convinced, that ſuch attempts may be
'made. They have been made by all miniſters in
'time paſt. They will be made by all miniſters in
'time to come. It is natural for a miniſter to wiſh
'to have his friend choſen to repreſent any city or
'borough, rather than one he ſuſpects to be his ene-
'my. It is natural for him to make uſe of every
'method he can ſafely practiſe in favour of his friend's
'election. Whilſt a corporation, or the magiſtrates
'of a corporation, are under apprehenſions of being
'proſecuted, it is natural for them to be ſwayed by
'thoſe fears. There is no way of preventing this
'practice, but by freeing a corporation from any
'ſuch apprehenſions: and as this will, in a great mea-
'ſure, be the effect of the bill now before us, after
'it has been properly amended in the committee, I
'hope your lordſhips will agree to the queſtion.'

The earl of *Iſlay*, always faithful to the miniſte-
rial cauſe, laid great ſtreſs on the incroachment, the
bill would make upon the king's, that is, the mini-
ſter's royal prerogative; but he takes, according to
his

his laudable cuſtom, particular care to ſhew, that the ſubject's liberty was in no danger, and to turn all regard to it into ridicule. 'As the neceſſity of our 'having ſome ſuch bill paſſed into a law, has been 'very much cryed up in this debate; as this neceſ- 'ſity has been ſaid to have been acknowledged by 'every lord who has ſpoke in the debate, I muſt 'take this opportunity to declare, that I am very 'far from being convinced of our being under any 'ſuch neceſſity. I do not think the crown has as 'yet ſuch an influence over our cities and boroughs 'as can be of any dangerous conſequence, nor do I 'think, a miniſter can with any ſafety endeavour to 'acquire ſuch an influence. A miniſter may have a 'perſonal, or a family intereſt in two or three 'boroughs; he cannot by himſelf alone repreſent them 'all; and to the borough where he does not ſtand 'himſelf, it is very natural for him to recommend a 'friend. That friend may, perhaps, be a gentle- 'man never before known in the borough; but this 'is not peculiar to miniſters: for we often find ſuch 'gentlemen choſen by boroughs upon the recommen- 'dation of thoſe who are known to be violent enemies 'to the miniſter. I, therefore, do not well know 'what is meant by court boroughs. All boroughs 'are ſo, I believe, and all cities and counties, as 'well as boroughs. The only difference is, that ſome 'boroughs have their friends in court, and others 'want to have their friends in court. This, my 'lords, has always been the chief ground of the diſ- 'pute; and moſt people are apt to think, or at leaſt 'to ſay, the country is in danger when their friends 'happen to be out of court. The cry of the church 'being in danger, was formerly made the ſame uſe 'of;

'of; and when I was young, and attended this houſe 'behind the throne, I remember to have heard it 'obſerved, as I thought very juſtly, by the anceſtor of 'a noble lord I have in my eye, that the only reaſon 'he could think of for ſaying that the church was in 'danger, was, becauſe the earl of *Rochester* was out of 'court. If a borough therefore chuſes a courtier, it is 'not becauſe it is more a court borough than any other 'borough, but becauſe its friends happen at that time 'to be in court; in like manner, when a borough 'chuſes ſuch as are againſt the court, it is not becauſe 'it is more a country borough than any other, but 'becauſe its friends happen then to be out of court; 'and the choice made by the former may as little pro-'ceed from any undue influence, as the choice made 'by the latter. But every borough that chuſes a 'courtier, or a friend to the miniſter, muſt, it ſeems, 'be a creature of the crown in the ſenſe put upon the 'words by the noble lord who ſpoke laſt, in which, I 'muſt ſay he made a very bad uſe, to call it by no 'worſe name, of an expreſſion dropt from a noble 'lord in this debate. The noble lord happened to 'ſay that all corporations were the creatures of the 'crown, and when he made uſe of the expreſſion, I 'believe every one of your lordſhips underſtood what 'he meant. He certainly meant no more than that 'all corporations were created by the crown, which is 'true; but the noble lord who ſpoke laſt, gave it a 'turn as if he had meant that all corporations are the 'ſlaves of the crown, and ready to receive directions 'from the miniſters of the crown, which is as far 'from being true as it is far from being what he meant; 'for with regard to the election of their repreſenta-'tives, I know of no way by which a miniſter can

'compel any one of them to chuſe the candidates he 'recommends. I am ſure that of threatening a 'borough with a *quo warranto*, would be very far from 'being effectual, and it would be very dangerous for 'any miniſter to make uſe of ſuch a method; conſe- 'quently I cannot as yet ſee the neceſſity of our paſſing 'any ſuch bill as the preſent; and if I did, I ſhould 'be for dropping this bill, which I think cannot be ſo 'amended as to be of any uſe, in order to have a bill 'brought in that might be of ſome ſervice [a].'

It was afterwards ordered, that a new bill ſhould be drawn up. Lord *Romney* reported the heads of it, *viz.* 'That a reaſonable period of time be fixed, after 'the expiration of which the rights, franchiſes, and 'liberties of any city, corporation, or borough, in '*England* or *Wales*, or of any members of any ſuch 'city, corporation, &c. or of any perſon exerciſing 'any ſuch office or franchiſe, ſhall not be called in 'queſtion by informations in nature of *quo warranto*, 'writs of *mandamus*, or other proceedings for any in- 'formality, irregularity, or defect in the nomination, 'election, admiſſion, or ſwearing of the mayor, bail- 'liffs, or freemen, or of any other officer, or member '(by what name ſoever called) of any ſuch city, cor- 'poration, &c. who now are, or at any time here- 'after, ſhall be in the actual poſſeſſion or exerciſe of 'any ſuch office or franchiſe, nor of any forfeiture or 'diſability ariſing from ſuch informality, irregularity 'or defect, unleſs ſuch informality, irregularity, or 'defect, or ſuch forfeiture, or diſability ſhall be taken 'advantage of by ſome proſecution commenced for 'that purpoſe, within a certain time after the com- 'mencement of the bill. And as to any ſuch officer 'or

[a] Deb. Com. xi. 350.

'or member, as hereafter, within a certain number of years to be limited in the bill, shall have 'been admitted into or shall have been in the actual 'possession or exercise of any such office or franchise 'as aforesaid; every such prosecution to be carried on 'with effect and due diligence; and in case of affected 'or unnecessary delay on the part of the prosecutor, 'to be dismissed with full costs. Such bill to contain 'proper provisors to prevent its invalidating any 'judgment already given, or any charter already 'granted and accepted, or any suit already instituted 'and still depending[a].'

Lord *Romney* shewed the usefulness of such a bill for defeating the efforts of ministerial power. That members of corporations are commonly men of plain understandings, not qualified to search into the meaning of old charters; but willing to follow precedent; and therefore their cases are more pitiable than blameable, when they happen to proceed in such a manner as renders them obnoxious to the letter of the law. That the charters themselves are often, through length of time, and change of circumstances, become unfit to be observed. That the meaning of corporation-charters may not always be clear and consistent. That it is difficult and expensive to solicit new charters; and ministers are not inclinable to favour them, because, like the lawyers, they find their advantage in the subject's uncertainty. That it is a ticklish affair for a corporation to resign its charter, when it is unknown what sort of one it shall have in exchange. That therefore it is natural for the members of corporations to modify their proceedings according to what they find by experience to be best, though

[a] Dec. Lords, viii. 535.

though in ſo doing they may often gradually deviate from the letter of their charter. That it will be no more than a reaſonable indulgence to the ſubjects in a matter, in which the hazard is theirs, and not the government's, to fix a time, after which cuſtom and precedent in corporations ſhall paſs into eſtabliſhment.

One would imagine, this was no ſuch mighty matter of grace to confer on the good people. But the miniſterial tools have no inclination to give up any degree of power. Therefore lord *Cholmondeley*, a faithful friend to court-power, oppoſed the bill. The houſes agreeing to it, he ſaid, would be acting in the dark, confirming practices, which they did not underſtand, and ſupporting magiſtrates, who obtained, and executed their offices, they knew not how, &c. [A ſtaunch miniſterial man is never for leaving any thing to the *people*; even their *own* affairs. He will have them always *feel*, that they have a government, that is, a *tyranny*, over them.] 'I am not much inclined, ſays he, to believe, when I ſee the law broken, that the *law* is to be blamed.' [I am ſorry to differ from his lordſhip; but I ſhould be very apt to ſuſpect the wiſdom of a law, if I ſaw it often broken by *ſober* and *regular* people, ſuch as the members of corporations commonly are.] Lord *Romney* ſaid, the quieting bill would be an encouragement to tranſgreſſors. It would be confirming to the thief the poſſeſſion of the goods he had ſtolen. [But it is remarkable, that his good lordſhip ſhould not recollect, that by the law, as it *now* ſtands, there is a *limited* time, which being elapſed, many offences, more atrocious than violating a borough-charter, are not to be proſecuted, or puniſhed.]

And the good lord chancellor *Hardwicke* (always true to the miniſtry) was afraid, the quieting bill might "produce more and greater evils, than thoſe it "was intended to cure." Whether it was a greater evil for corporations to be ſecure againſt miniſterial moleſtation, than their being from time to time under proſecution, and by that means obliged to bring ſome griſt to the law-mill, I leave to the reader to decide. In general, we know, that lawyers and churchmen are always againſt reformations. His good lordſhip "muſt ſuppoſe, that the diſtemper intended to be "cured, or rather prevented, by the bill, was as yet "imaginary [a]." Good men always believe the beſt. Therefore his good lordſhip believed *Walpole* as innocent of moleſting corporations, as of patriotiſm, or public ſpirit. But his good chancellorſhip ſeemed in the ſequel of his ſpeech, a little to forget his law-learning, through zeal againſt the bill. 'If, ſays he, you limit the pre-'ſcription to a *very ſhort* time, it will be of the moſt 'dangerous conſequence; and if you fix it at a *very* '*long* term, the bill could have little or no effect.' But what if we fix it at a term neither *very long*, nor *very ſhort?* Beſides, if his lordſhip's reaſonings be good, the laws, by which (as above obſerved) a term is fixed, after which proſecutions for greater offences, than making free with a ſet of blind old charters granted by the tyrannical *Stuarts*, are ſet aſide; are *all bad*, and his lordſhip ought to have moved for their repeal. But your true miniſterial men, like your true churchmen, never care how inconſiſtent they be with *themſelves*, or with the principles of *common ſenſe*; ſo they be orthodox, that is upon the *right*

[a] DEB. LORDS, VIII. 512.

right ſide, that is upon the ſide of *power*. He afterwards brings the execrable maxim, *nullum tempus occurrit regi*, now aboliſhed, in ſupport of his doctrine, and argues, that as no period ſtops the king's claim, ſo no period ought to tie up the miniſter's hands from moleſting corporations, who elect anti-miniſterial members [a]. Then he comes to an important argument indeed. The bill 'might be ſaid to be a ſort of encroachment upon the prerogatives of the crown.' *Hinc illæ lacrymæ!* The prerogatives of the crown are the miniſtry's *Palladium*; and are of infinitely more conſequence (to them) than the quiet of ten thouſand corporations. On this he argues in ſuch a manner, that one would really think, he had forgot, that the *Britiſh* government was a *limited* monarchy. 'As the king (ſays he) has the *ſole* right of eſtabliſhing corporations, he likewiſe has a right to take care, that the corporation, as well as every officer and magiſtrate who belongs to it, ſhall obſerve the rules *he* has been pleaſed to *preſcribe* to them in their charter; and to *limit his power* of proſecuting for any neglect, or non-obſervance, to a very ſhort term, is an encroachment upon his *right*.' Have our limited kings any right *uncontroulable* by *parliament* to eſtabliſh, or preſcribe? His lordſhip ſhines afterwards more and more. 'I muſt farther obſerve, my lords, that this bill is really a ſort of repeal of thoſe laws, which have always been deemed the *ſecurity* of our *church* as by law eſtabliſhed. When I ſay this, every lord muſt ſuppoſe I mean the *corporation* and *teſt acts*; for if this bill be paſſed into a law, the moſt rigid *diſſenter* might get himſelf choſen an *alderman* of

[a] DEB. LORDS, VIII. 512.

'*London*, or a magiſtrate of ſome other city or borough, 'without taking the oaths, or conforming to what is re-'quired by law for the *purity* of our church; and if he 'eſcapes being proſecuted during the time to be limited 'by this bill, he might continue in that magiſtracy 'during life, without ever conforming himſelf to the 'eſtabliſhed church, for the act does not require his 'conforming after he is elected; and after the expi-'ration of that time his election could not be declared 'void on account of his not having conformed within 'the year preceding his election; ſo that if this bill 'was paſſed into a law, all the magiſtrates in our 'cities or boroughs, who are choſen for life, might 'be ſuch as openly frequented *conventicles*; for if 'they did not go there in their habits and enſigns of 'magiſtracy, they could neither be removed nor '*puniſhed* for the *affront* put upon the eſtabliſhed '*church*.'

What a noble ſpirit of liberty, how worthy of a lord chancellor of this great and free nation, and how ſuitable to the light and knowledge prevalent in this age, does this part of his lordſhip's ſpeech exhibit! 'Our church as by law eſtabliſhed!' Aye—Our church!—our monopoly of fat livings, from which we have by law eſtabliſhed, that all men ſhall be *excluded*, who will not declare aſſent and conſent to the clear and *ſelf-conſiſtent* articles and creeds, and to the *paſſi e-obedience-homilies!* And the 'teſt and cor-'poration acts!' Aye—Thoſe glorious acts, which breathe ſuch a ſpirit of liberty!

'If this bill be paſſed into a law, the moſt rigid 'diſſenter—

O horrible! O horrible! moſt horrible!

Shakeſp.

'tho

'the moſt rigid diſſenter—

Monſtrum horrendum ingens, avidum, orco, Hecate,
[*atque Erebo ortum!*

'the moſt rigid diſſenter—

Ὦ ποποι η μεγα πενθος Αχαιιδα γαιαν ικανει.

'the moſt rigid diſſenter—that tremendous being—in compariſon with whom, old *Satan* is a good ſort of a gentleman—who is ſo ineffably wicked, that he will not ſay his prayers with a book in his hand, and will diſclaim the authority of *men* over *Chriſt*'s religion '—might get himſelf—*horreſco referens!*—choſen an 'alderman of *London!*' And what greater misfortune than that, can the human mind frame the idea of, unleſs a comet were to come from the moſt diſtant regions of ſpace, and—ſet the chancellor's full-bottomed wig on fire.

Lord *Sandwich* then went on to ſhew [a], That the worſt effect of the bill would be, to oblige thoſe who had a mind to proſecute for irregularities in corporations, to do it within a reaſonable time, when proofs and defences could be brought. But this did not anſwer the views of miniſters; their point is, to keep a *rod* over the *people*'s head at *all* times. Lord *Sandwich* afterwards [b] puts the houſe in mind of what curious *Walpolian* proceedings had been detected by the ſecret committee relating to this very corporation, on a mere miſinterpretation of their charter, or rather a different interpretation of it from the ſenſe put upon it by the judges, which ſenſe had not been found in it by the perſons who firſt obtained it, nor by their ſucceſſors, for 130 years.

[a] Deb. Lords, viii. 520. [b] Ibid. 521.

A. D. 1764, it was resolved by the house of commons, and agreed to by the house of lords, 'That 'privilege of parliament does not extend to the case of 'writing and publishing seditious libels, nor ought 'to obstruct the ordinary course of the laws in the 'speedy and effectual prosecution of so heinous and 'dangerous an offence.' Seventeen peers, among which number was *(mirabile dictu!)* one bishop, protested, because the doctrine was new, unwarrantable, and unknown to the most tyrannical times; the established custom being, that privilege of parliament takes place in all cases, but treason, felony, breach of the peace, or refusing to obey a writ of *Habeas Corpus*; whereas the writing or publishing of what may be called (for any thing may be so called) a seditious libel, is neither treason, felony, breach of peace, nor disobedience to *Habeas Corpus*. The protesting peers alledged, that the resolution was sacrificing the freedom of parliament to ministerial power. That the resolution not only infringed the privilege of parliament, but tended to the restraint of every man's personal liberty, seeing it affirms, that all men may be bound to the peace for writing what may be called a seditious libel, by which every man's liberty is surrendered into the hands of a secretary of state, who is hereby empowered to pronounce any writing a seditious libel, and to imprison any person on this account, without council, evidence, or jury, while the person oppressed by power has no redress against the secretary of state, as he acts in the capacity of a judge. The protesting lords conclude with the following remarkable words; 'Privilege was not made 'to skreen criminals, but to preserve the very being 'and life of parliament; for when our ancestors con-

'sidered

'sidered that the law had lodged the great powers of 'arreſt, indictment, and information in the crown, 'they ſaw the parliament would be undone, if during 'the time of privilege the royal proceſs ſhould be 'admitted in any miſdemeanour whatſoever, therefore 'they excepted none. Where the abuſe of power 'would be fatal, the power ought never to be given, 'becauſe redreſs comes too late. A parliament under 'perpetual terror of impriſonment can neither be 'free, nor bold, nor honeſt; and if this privilege was 'once removed, the moſt important queſtion might be 'irrecoverably loſt, or carried by a ſudden irruption 'of meſſengers let looſe againſt the members half an 'hour before the debate. Laſtly, as it has already 'been obſerved, the caſe of ſuppoſed libels is, above 'all others, the moſt dangerous and alarming to be 'left open to proſecution during the time of privilege. 'If the ſeverity of the law touching libels, as it hath 'ſometimes been laid down, be duly weighed, it muſt 'ſtrike both houſes of parliament with terror and 'diſmay. The repetition of a libel, the delivery of 'it unread to another, is ſaid to be a publication, 'nay, the bare poſſeſſion of it has been deemed cri-'minal, unleſs it is immediately deſtroyed or carried 'to a magiſtrate. Every lord of parliament then, 'who hath done this, who is falſely accuſed, nay, 'who is, though without any information, named in 'the ſecretary of ſtate's warrant, has loſt his privi-'lege by this reſolution, and lies at the mercy of that 'enemy to learning and liberty, the meſſenger of the 'preſs. For theſe and many other forcible reaſons, 'we hold it highly unbecoming the dignity, gravity, 'and wiſdom of the houſe of peers, as well as their 'juſtice, thus judicially to explain away and dimi-

'niſh the privilege of their perſons, founded in the 'wiſdom of ages, declared with preciſion in our ſtand-'ing orders, ſo repeatedly confirmed and hitherto 'preſerved inviolable by the ſpirit of our anceſtors, 'called to it only by the other houſe on a particular 'occaſion, and to ſerve a particular purpoſe, *ex poſt 'facto*, *ex parte*, *et pendente lite*, in the courts below [a].'

The brave parliament, in which ſate the *Hampdens* and the *Pyms*, would not allow this in the caſe of the 5 members; though the tyrant directly accuſed them of high treaſon, which cannot by law plead privilege. Such is the difference between an independent parliament and one ridden by a miniſtry.

But, *mem.* It was reſolved in the houſe of commons, *A. D.* 1766, 'That ſeizing the papers of the 'author, or ſuppoſed author, printer, or publiſher of 'a libel is illegal, and the ſeizing the papers of a 'member of parliament on ſuch pretence is likewiſe 'a breach of privilege [b].' And afterwards a bill was ordered in for reſtraining the iſſuing of warrants for ſeizing papers, except in the caſes of treaſon or felony, under certain regulations. The title of the bill was afterwards altered. It miſcarried in the houſe of lords [c].

The civil liſt was ſaid to be in debt, *A. D.* 1768, 500,000 *l.* A meſſage was ſent from the king (i. e. the miniſtry) to the houſe of commons, deſiring that they would make proviſion accordingly. It was urged in favour of the demand, that the king had given up to the nation his ſhare of the captures in the late war amounting to 700,000 *l.* The debates ran high; but the demand was granted [d].

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[a] *Alm.* DEB. COM. *A. D.* 1764. [b] Ibid. VII. 183.
[c] Ibid. 185. [d] LOND. MAG. 1769, p. 656.

The ſlaviſh complaiſance of parliament to miniſters was confeſſed in the year 1769, when the miniſtry ſent over to the *American* governors a poſitive promiſe, that, on certain conditions, the odious taxing acts ſhould be repealed [a]. Such was the ſhameleſs ſervility of the houſe at that time, that when it was moved by the oppoſition to reſolve, That diſorders had prevailed in ſeveral of the colonies prejudicial to the commerce of the kingdom, and to the peace of the colonies; That a principal cauſe of theſe diſorders was the ill-judged and inconſiſtent inſtructions given by perſons in adminiſtration to the governors of ſome of the provinces in *North America*; That directing the diſſolution of the aſſemblies of *North America*, upon their refuſal to comply with certain propoſals of government, operated as a menace injurious to the deliberative capacity of thoſe aſſemblies, and tending to excite diſcontent, and produce unjuſtifiable combinations; That it was inconſiſtent, and tended to expoſe his majeſty's councils to the contempt of the coloniſts, to diſſolve the old aſſemblies for not diſavowing certain combinations, at the ſame time, that new aſſemblies were ſuffered to ſit, without diſavowing or diſcountenancing the ſame combinations; That it was unwarrantable, of dangerous conſequence, and a high breach of the privilege of the houſe of commons, for any perſon in adminiſtration to *promiſe* to the aſſemblies in *North America*, the interpoſition or *influence* of the king or his ſervants with the *houſe*, in order to a repeal of taxation-acts, or to pledge the faith of the crown to thoſe aſſemblies, &c. when theſe reſolutions were moved by the oppoſition, I ſay, ſuch was the com-

[a] See *Alm.* Deb. Com. viii. 341, *et paſſ.*

complaiſance of the houſe for the miniſtry, whoſe conduct they would not ſuffer to be blamed, that every one of them was rejected; though there was not, probably, a man, woman, or child, in *Britain* who had the leaſt doubt of their truth and juſtneſs [a].

Again in the year 1771, the houſe of commons, in a fit of complaiſance for the court (if that can be called a *fit*, from which the patient is never clear) voted, that a member concerned in a libel ſhould have no right to his privilege, thereby putting the guilt of a juſt ſatire on a corrupt court upon the ſame foot with that of felony, or breach of the peace, the only crimes, which before that time deprived a member of his privilege. By this reſolution, it was obſerved, 'That 'any member ſuppoſed to have been concerned in 'compoſing, printing, or publiſhing a ſuppoſed libel 'might, by a mandate from court, be dragged from 'his ſeat [b].' And, according to a doctrine ſaid to have been taught by certain judges of late, the guilt and puniſhment of this ſuppoſed libel, were not to come before the jury. They were only to find, whether the accuſed had any concern in the ſuppoſed libel, and the judges were to paſs ſentence. The members, who promoted this reſolution, ought to have been more ſure of the integrity of judges, than is poſſible, in the preſent weakneſs of human nature. Theſe were attacks upon the very *foundation* of *liberty*.

The obſequiouſneſs of parliament to the court, in the courſe of a few years, was ſhamefully groſs. The nation tired out with raiſing money to be ſunk in *German*

[a] *Alm.* Dee. Com. viii. 341.

[b] Lond. Mag. *Nov.* p. 536.

German wars for the defence of *Hanover*, forced Mr. *Pitt*, the great oppoſer of continental connexions, into power, in ſpite of *Geo.* II. who was thought to attend more to the intereſt of his pitiful electorate, than to that of the *Britiſh* empire. Then the commons were for holding the purſe-ſtrings tight. The king found means to bring over Mr. *Pitt* to favour his continental ſcheme. Then the commons raiſed almoſt 20 millions *per ann.* to ſend to *Germany*. *Geo.* III. not being ſo attached to *Germany* as his grandfather, was deſirous of reſtoring peace, and ſtopping the life-blood-vein of the nation, before it ſhould bleed to death. Then the commons were as obſequious to lord *Bute*'s pacific meaſures, as they were before to Mr. *Pitt*'s military quixotiſm. *Grenville* thought proper to lay the ſtamp-tax on our *American* colonies. The worthy commons voted it accordingly. *Grenville*'s ſucceſſor in power thought proper to repeal the *American* ſtamp-act. The ductile commons repealed it. Their followers thought it neceſſary to lay taxes of other kinds upon the colonies. The obſequious commons were ſtill occaſional conformiſts.

Every ſpeech from the throne, I mean, the miniſter's throne, at the end of every ſeſſion, is filled with the king's *entire* approbation of *all* the proceedings of the ſeſſions; whilſt, if you look into the debates and proteſts, you ſee ſuch ſhameful ſervility to the miniſtry, as it is impoſſible for any honeſt man to approve, ſay rather, to avoid execrating. And *every* eccho of *every* king's ſpeech from the houſes celebrates *every* ſtep of his adminiſtration to the ſkies. Look into the hiſtory of every reign, and you ſee innumerable neglects and blunders (to ſay nothing of corrupt abuſes) committed by every ſucceeding adminiſtration. Thus

do

do our ſuperiors endeavour to perſuade us, by their words, that they are gods, while their actions ſhew them to be generally very ſilly, and very worthleſs mortals.

In the year 1770, there were as many compliments bandied between the court, and parliament, as ever. Yet at that time, almoſt every part of the *Britiſh* empire was known to be diſſatisfied; the people of *England* enraged againſt their repreſentatives, and petitioning the king for a new parliament; the people of *Ireland* offended on account of the prorogation of their parliament, becauſe they would ſupport the conſtitutional manner of taxation, and the coloniſts provoked by our legiſlature's taxing them as a teſt of their obedience.

In that ſame year, Sir *George Savile*, no party-brawler, ſaid in the houſe of commons, 'This houſe 'hath betrayed the rights of the people.' Sir *Alex. Gilmour* called him to order. General *Conway* ſaid the words were reprehenſible. That it was inſulting parliament, and that members had been ſent to the Tower for ſuch words, but as he believed they were ſpoken in anger, he only ſhould wiſh that for the future the gentleman would be more cautious. Sir *George Savile* replied, he had not ſpoke in anger; that he never uſed any other words, when he mentioned the proceedings of the houſe upon the *Middleſex* election; and that he would always uſe the ſame words, whenever the ſame queſtion was in agitation. Mr. ſerj. *Glynn* defended the words. He obſerved, that they were the only words in our language proper to expreſs the idea of the thing; that if ſpoken of a thing that did not exiſt, no one would be more ready to vindicate the honour of parliament, in calling to account

account the member who ſpoke them; but if they were founded on truth, it could not be the votes of a majority which could make them culpable. He then obſerved a good deal on what had been ſaid the day before by a member (Mr. *T. De Grey*, brother to the attorney general, who abuſed the petitioners in general, calling them baſe born mechanics, and mere rabble, not fit to petition the throne) that he was ſorry to find ſome gentlemen ſuppoſed there was one law for gentlemen, and another for their inferiors. That the law knew nothing of gentlemen; that we, who repreſented, were choſen by, and derived our powers from thoſe baſe born men; and that their privileges ought to be the care of the houſe, for on them depended our own,—our conſtitution. Mr. *Edmund Burke*, likewiſe, with great ſpirit, defended Sir *George Savile*, and called upon the miniſtry to puniſh Sir *George*, if the accuſation was falſe; and ſaid, 'That if a falſe 'and unjuſt charge had been made, the gentleman 'who made it ought to be ſent to the Tower:' but added, 'that the miniſters were conſcious of the truth 'of the aſſertion, and therefore in a tame and cowardly 'manner crouched under it.' He ſaid, the people abhorred the preſent miniſtry, and aſked the ſpeaker if the chair did not tremble under him. Towards the concluſion of the debate, Sir *George Savile* ſtood up again and declared, that he was as cool as before; more ſo he could not be; and added from *Shakeſpeare*, "Bring me to the teſt, and I the matter will re-word, "which madneſs would gambol from;" therefore, 'ſtanding up in my place as member for the county of '*York*, I do declare, that the houſe of commons, has 'betrayed the rights of the nation.' No notice was taken of the words [a].

If

[a] *Alm.* Deb. Com. viii. 177.

If opinion be the great engine, by which the few are able to govern the many, what ſhall we ſay of the wiſdom of thoſe governors, who by the practice of every foul and ſordid art, and by openly ſhewing a total neglect of the public intereſt, teach the people to look upon their ſuperiors as their worſt enemies, or as clumſy blockheads, who do not know the firſt principles of their own profeſſion?

However it is come to paſs, the fact is certain, that in no age, or nation, ever was the people's opinion of their governors at a lower ebb, than has been lately ſeen in a certain country. In former times, when the characters of ſtateſmen were attacked in print, the writers uſed caution, and either deſcribed them by their behaviour, in ſuch a manner as to point them out without naming them, or if they were more particular, at moſt they only put initials and finals. Now our political and ſatirical writers make no heſitation in calling our higheſt characters to their faces, and with their names printed at full length, rogues, and whores, corruptors, plunderers, and enemies of their country.

This I acknowledge to be utterly inconſiſtent with decency. But ſtill it marks ſtrongly the ſentiments of the people. And it muſt likewiſe be owned, that a great deal of the invective, that is thrown out in times of general diſſatisfaction, is always aggravated, and often wholly groundleſs. But had our governors kept up a conduct venerable for integrity, and amiable for diſintereſted attachment to the public good, the people would never have thought of treating them in a manner ſo openly diſreſpectful. Even the groſs-minded mob, when wrought up to the higheſt rage, would avoid throwing dirt upon a *Socrates*, a *Cato*, or a *Hampden*.

Tum

Tum pietate gravem ac meritis ſi forte virum quem
Aſpexere, ſilent, arrectiſque auribus adſtant.

VIRG.

There is (to borrow the thought of our inimitable *Shakeſpeare* concerning kings) ſuch a majeſty hems in a man of worth, as ſlander dares not to look upon.

Monteſquieu obſerves from *Polybius*, that the *Carthaginian* magiſtrates had loſt their authority about the time of the ſecond *Punic* war. *Polybius* gives no reaſon for this. But *Livy* accounts for it. *Hannibal*, he ſays, when he returned home, found, that the magiſtrates had been guilty of groſs embezzlements of the public money. Was it to be wondered, that they loſt their authority [a]? Corrupt parliaments will ever be odious to all, but thoſe who earn the wages of corruption. All kinds of duplicity are odious to the people. The prince of *Condé*, and duke of *Orleans*, pretended (to pleaſe the parliament of *Paris*) to be the implacable enemies of *Mazarine*, while they were carrying on a treaty with him at *St. Germains en Laye*, directly contrary to the firſt article of their inſtructions from the parliament. *Mazarine* detects them. They loſe both court and city [b].

'The people have already oppoſed us by their ma-'giſtrates,' (ſays an eminent lawyer in the houſe of commons, on the lord mayor's protecting the printers againſt the ſerjeant of the houſe of commons, *A. D.* 1770, [c]) 'and they will oppoſe us farther by 'their juries; though, were we as much reſpected

[a] L'ESPR. DES LOIX, I. 185.
[b] MOD. UNIV. HIST. XXV. 54.
[c] LOND. MAG. *March*, 1771, p. 244.

'as we are deſpiſed, as univerſally eſteemed as we 'are deteſted, the eſtabliſhment of a tyranny in our-'ſelves' [the aſſumed power of impriſoning their conſtituents for ſuppoſed breach of privilege] 'who 'are appointed for no purpoſe, but to repel it in 'others, would expoſe us to the abhorrence of every 'good *Engliſhman*.'

'We [the houſe of commons] are ſufficiently ob-'noxious, ſufficiently deteſtable to the nation already; 'and if we have no regard for the city magiſtrates, we 'ſhould at leaſt have ſome little conſideration for 'ourſelves.' Speech of Sir *Geo. Saville* on the motion for ſending the lord mayor and alderman *Oliver* to the Tower for protecting the printers againſt the ſerjeant of the houſe of commons, *A. D.* 1770. [a]

'Since I had the honour' [ſays a ſpeaker on the ſame occaſion] 'I ſhould ſay, the diſhonour, of 'ſitting in this houſe, I have been witneſs to many 'ſtrange, many infamous tranſactions.—What can 'be your intention in attacking all honour and virtue? 'Do you mean to bring all men to a level with your-'ſelves, and to extirpate all honour and indepen-'dence? Perhaps you imagine, a vote will ſettle the 'whole controverſy. Alas! you are not aware, that 'the manner, in which your vote is procured, is a 'ſecret to no man. Liſten. For if you are not 'totally callous, if your conſciences are not ſeared, 'I will ſpeak daggers to your ſouls, and wake you 'to all the hells of guilty recollection. I will follow 'you with whips and ſtings, through every maze of 'your unexampled turpitude, and plant thorns under 'the roſe of miniſterial approbation.'—'You have 'flagrantly

[a] Lond. Mag. *March*, 1771, p. 181.

'flagrantly violated juſtice, and the law of the land, 'and opened a door for anarchy and confuſion.—— 'After aſſuming an arbitrary dominion over law and 'juſtice, you iſſue orders, warrants, and proclama- 'tions, againſt every opponent, and ſend priſoners 'to your Baſtile all thoſe, who have the courage and 'virtue to defend the freedom of their country. But 'it is in vain, that you hope by fear and terror to 'extinguiſh the native *Britiſh* fire. The more ſacri- 'fices, the more martyrs you make, the more nume- 'rous the ſons of liberty will become. They will 'multiply like the hydra, and hurl vengeance on 'your heads. Let others act as they will; while I 'have a tongue, or an arm, they ſhall be free. And 'that I may not be a witneſs of theſe monſtrous pro- 'ceedings, I will leave the houſe; nor do I doubt, 'but every independent, every honeſt man, every 'friend to *England* will follow me. Theſe walls are 'unholy, baleful, deadly, while a proſtitute majo- 'rity holds the bolt of parliamentary power, and 'hurls its vengeance only upon the virtuous. To 'yourſelves, therefore, I conſign you. Enjoy your '*pandæmonium* [a].' All the gentlemen in the oppoſi- tion roſe, as one man, and left the houſe.

When the duke of *Richmond*, *A. D.* 1773, moved, that a meſſage be ſent to the houſe of commons, requeſting them to communicate to the lords the re- ports, and other materials, upon which they had pro- ceeded in paſſing the *Eaſt India* bill, the motion was rejected. Their lordſhips knew which way they were to vote, without ſeeing any materials. But the directors of that great trading corporation do not heſi-

[a] Lond. Mag. *July*, 1771, p. 334.

tate to foretel, that the bill will be the utter ruin of the company [a]. The ſame bill was carried in the houſe of commons, 131 againſt 21.

How deep the politics of the times were, may be judged by the following: *A. D.* 1773, it was, in the compaſs of only a fortnight, reſolved in the houſe of commons, that all acquiſitions made by *military* force, *belong to the ſtate*. That to appropriate ſuch acquiſitions is *illegal*. That great ſums *have been*, by ſuch means, obtained from ſovereign princes in *India* [by lord *Clive*]. And, that lord *Clive*, for his ſervices in *India*, had *deſerved* the preſents he received, which were *uſual*. Reconcile theſe reſolutions who can—to any thing, but miniſterial influence.

A. D. 1771, 'Mr. *C. Fox* vindicated the ſending of liſts from the treaſury to their friends, directing for whom they ſhould ballot, as neceſſary for adminiſtration on all occaſions [b].'

Hear the ſenſe of the city of *London* on the ſlaviſh complaiſance of parliament to miniſters. 'Repreſen-'tatives of the people are eſſential to the making of 'laws; and there is a time when it is demonſtrable 'that' [the] 'men' [who ſit in the houſe of commons] 'ceaſe to be repreſentatives. That time is now ar-'rived. The preſent houſe of commons does not 'repreſent the people [c].'

A remonſtrance from the city was agreed on, *March* 11, 1773 [d], complaining of the neglect of the former, 'Our repreſentatives, who were choſen to be the 'guardians

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[a] See the NEWS-PAPERS and MAGAZINES of the year.

[b] *Alm.* DEB. COM. IX. 306.

[c] CITY'S REMONSTR. to the king, *A. D.* 1770.

[d] See the NEWS-PAPERS of that date.

'guardians of our rights, have invaded our moſt ſacred 'privileges.' They mention the *Middleſex* election, the impriſoning of the lord mayor, and alderman *Oliver*, for 'not obeying the illegal mandates of an arbitrary 'houſe of commons, and violating the ſolemn oaths 'they had taken for the preſervation of the franchiſes 'of the capital. We recal (ſay they) to your ma-'jeſty's remembrance with horror, that unparalleled 'act of tyranny, the eraſing a judicial record, in 'order to ſtop the courſe of juſtice, to introduce a 'ſyſtem of power againſt right,' &c. They pray a diſſolution of parliament, and a removal of bad miniſters.

So much for a brief chronological deduction of miniſterial and corrupt influence in parliament, intended to ſhew the neceſſity of a redreſs of this moſt ruinous of all grievances.

From a due conſideration of what this firſt volume alone exhibits, which is but a ſmall part of the public abuſes of the times, every thoughtful reader will ſee great reaſon for fears and apprehenſions. The time to prevent public diſorders is, NOW, before the diſorders begin. The beginning of the public diſorders, we have reaſon to apprehend, will be, a diminution of the value of Stocks. It is the intereſt of every man in the *Britiſh* empire to prevent this diminution. The means of preventing it are, Aſſociations for ſupport of public credit. A model for theſe aſſociations we have by looking back to the tranſactions of the year 1745. Public credit cannot ſink, if the nation unites in ſupporting it; and the time for this union is NOW, before it begins to totter. Should it even be found, (which God forbid) that the uſual ways and means are likely, through failure of commerce, &c. to come ſhort of a ſufficiency

ſufficiency for paying the public creditors their full dividend, *England* has ſtill great reſources untouched, as taxing all legacies left by others than parents, huſbands and wives, introducing by degrees Sir *Matth. Decker*'s method of taxation, and leſſening by degrees the number of our preſent tax-gatherers, reducing the devouring army, taxing ſaddle-horſes, and other articles of luxury, and all public diverſions, reducing the enormous number, and retrenching the exorbitant incomes of places, &c. of all which more fully hereafter.

May a beam of celeſtial light directed by that efficacious voice, which of old ſaid, Let there be light; irradiate the mind of Him, whom Divine Providence hath placed ſupreme in the government of this great empire; that he may ſee the things, which belong to his and the nation's peace, before they be for ever hid from his eyes. And when, guided by that heavenly light, he ſets himſelf at the head of a plan for reforming theſe, and the other abuſes, which are the diſgrace, and naturally tend to bring on the ruin of the ſtate, may he find his people willing to ſecond thoſe views, the execution of which will obtain for him the moſt illuſtrious of all titles, *viz.* Father of his country; and will make *Britain* the glory of all lands.

END of the FIRST VOLUME.

POLITICAL

DISQUISITIONS, &c.

Μετα τον περι Θεων λογον, κ. τ. λ. After treating of our duty to the *Gods*, it is proper to teach that which we owe to our *Country*. For our Country is, as it were, a *ſecondary* God, and the firſt and greateſt *Parent*. —It is to be *preferred* to Parents, Wives, Children, Friends, and all things, the Gods only excepted.—And if our Country periſhes, it is as impoſſible to ſave an *Individual*, as to preſerve one of the fingers of a mortified hand. HIEROCL.

POLITICAL DISQUISITIONS:

OR,

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VOLUME II.

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PREFACE

TO VOLUME II.

I SHALL, perhaps, be accuſed of deviating towards ſuperſtition, if I obſerve, that the favourable reception given by the public to the former volume of theſe collections has the appearance of a good *omen*, that the people will at laſt direct their attention to the important ſubjects treated in them, and to the fearful and alarming condition, into which the villainous arts of a ſucceſſion of wicked miniſters have brought this great empire; and that they will be no longer abuſed by thoſe at the helm; but will inſiſt upon ſuch a change of meaſures as may ſave our country, if our ſins have not unchangeably pointed againſt us the vengeance of the ſupreme Governor of ſtates and kingdoms.

I am afraid, the public has found in the former volume, and will find in this, many inaccuracies, as well as other deficiencies, not ſuch as the great *Roman* critic comprehends under his phraſe, *maculæ, quas incuria fudit*; for indeed I cannot accuſe myſelf of careleſſneſs in preparing theſe collections for the public, excepting only that I have not pretended to beſtow much

time in poliſhing and working up the ſtyle of thoſe parts which are written by me; becauſe indeed, as I have hinted in the general preface, I ſhould have thought ſuch labour ſupererogatory and impertinent in a work of this kind. The inaccuracies I am anxious about, are thoſe, which *Horace* underſtands by the words immediately following the above-quoted, *quas humana parum cavit natura*, thoſe faults, to which the weakneſs of human nature, or of ſuch poor abilities as mine at leaſt, expoſes a writer, as a leſs advantageous diſpoſition of the matter, a ſeeming repetition of the ſame thoughts, and the like. My apology for theſe deformities muſt be drawn from the vaſtneſs of the variety of the matter I had to diſpoſe of, which made it difficult to remember every thought and fact I had ſet down, and made it almoſt impoſſible to avoid repeating ſome of the ſame thoughts and arguments, as they occur repeatedly in the different quotations I have collected, and I could not always leave out the part, which was a repetition, without disfiguring the ſpeeches in ſuch a manner, as would have made them incoherent, and diſpleaſing to the reader.

The public will, I hope, agree, that it was better to inſert a weighty argument twice, than to run the hazard of leaving it out, through ſuſpicion of its being already inſerted.

I hope

I hope it will be acknowledged, that far the greateſt part of the matter I have collected from authors and ſpeakers in parliament, is weighty, forcible, pertinent to the purpoſe for which I advance it, and deciſive upon the great political points propoſed to be determined.

I beg leave juſt to mention, that the IId book, which treats of the COLONIES, differs from the others, both in the former volume and this, in that there is a great deal of the matter in it, not written by me, and yet not referred to the reſpective authors, from whom I extracted it, particularly what I have tranſcribed from a collection in 6 or 8 volumes 8vo. being a ſet of all the beſt pamphlets and tracts written ſince the beginning of the conteſt between *Britain* and the colonies. When I collected from thoſe volumes, the paſſages, which are inſerted in the IId book of this volume, I neglected quoting the pages of the authors, and could not afterwards, without more labour than the matter was worth, becauſe the authority of thoſe pamphlets and tracts is not of great conſequence, unleſs readers will make farther enquiry, or happen, which is generally the caſe, to know that what is affirmed in them is true.

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Virgilii ÆNEID.
Voltaire's ESSAIS SUR L'HISTOIRE.
WHITEHALL EVENING POST.
Whitelocke's MEMOIRS.

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ERRATA.

Page 2, Line 10 from the Bottom, for *parliament*, read *parliaments*.

— 39, — 10 from the Bottom, for *have wrote*, read *have written*.

— 73, — 8, for *a year ?* read *a year*.

— 122, — 20, for *government*, read *governments*.

— 168, — 9, dele *Speeches*.

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POLITICAL DISQUISITIONS, &c.

BOOK I.

Of Places and Penſions.

CHAP. I.

Idea of a Parliament uninfluenced by Places and Penſions; taken from the beſt hiſtorical and political Writers, &c.

AFTER wading ſo long in the Serbonian bog of corruption, after having

Eſcap'd the Stygian pool, tho' long detain'd
In that obſcure ſojourn, whilſt in our flight
Through utter and thro' middle darkneſs borne,
With other notes, than to th' Orphean lyre
We ſung of Chaos and eternal night; MILTON.

[miniſterial influence in parliament will ſoon bring *chaos and eternal night* upon *England*, if not diſſipated by the exertion of the ſpirit of a brave people] to ſpeak plain proſe; after tracing out ſuch a multitude of foul and ſhameful inſtances of the aſcendancy ob-

ſidered themſelves as reſponſible not to the miniſtry, but the people.] In the ſame reign we find it recorded by hiſtorians, "That ſince the aids given in the laſt parliament were not duly anſwered to the king by thoſe who had the care thereof, certain perſons were appointed to take the accounts of *William de la Pole*, and others, who had received the money, wool, [taxes were, in thoſe days, often paid in wool] &c. and they had a day aſſigned them to produce their accounts, and in the mean time ſeveral noblemen and gentlemen of fortune became bound, &c." [This was the true way of preventing complaints againſt defaulters of millions.] In the ſame reign (about four hundred years ago) we find the commons refuſing to grant ſupplies till grievances were redreſſed; fixing by law what ſhall be deemed treaſon; propoſing regulations for preventing the ſubjects being compelled to make loans to the king, for that it was "againſt reaſon, and the franchiſe of the land;" making an act for holding annual parliaments [no miniſterial ſchemes to be gained by rewarding, with places and penſions, thoſe who voted ſeven years together as they were bid] limiting the power of the clergy and the lawyers; preventing the union, in the ſame perſons, of legiſlative power and of court emoluments, by a law prohibiting any collector of taxes to repreſent any place in parliament; [ſo early were our anceſtors aware of the uſefulneſs of a place-bill, repeatedly rejected in our degenerate times.] In *Rich.* IId's days, we find the commons requeſting that he would inform them how the public money was laid out, and who were to be his counſellors and great officers; to which requeſts they inſiſted on, and obtained an *anſwer*. In the ſame reign the commons refuſe to lay any taxes on the people, becauſe they were diſguſted, as had juſt before appeared by

Wat

Wat Tyler's inſurrection. [In thoſe days ſome regard was ſhewn to the ſenſe of even the loweſt of the people.] The commons requeſt the removal of *Michael de la Pole*. The king gives them an anſwer in character, that is, a ſilly one. But they inſiſt on compliance, and after ſome ſtruggles, not only overthrow the miniſter, but at laſt dethrone the king himſelf. The parliament appoints a commiſſion of enquiry to try the favourites. They impeach them of engaging the king to ſtand by them, right or wrong; of excluding all perſons without the circle of the junto; of embezzling the public money; of laws diſpenſed with; of unjuſt puniſhments and pardons; of bribes taken of both parties, &c. In conſequence, the archbiſhop and others are declared guilty of high treaſon, *Michael de la Pole* is impeached, the high treaſurer, *Treſilian*, *Brembre*, and many others, are hanged. [Thus in the heat of their honeſt zeal for the public good, overleaping their due boundaries, as a *third* part only of the legiſlature, and breaking into the ſphere of the executive. See vol. i. p. 205. *et ſeq.*] Yet this very parliament, in the midſt of ſeverity, remembers decency. They make an expreſs reſolution for exempting the king, and laying the whole blame on his miniſters. Happy had he ſtopped while his ruin might have been prevented! They oblige him to renew his coronation oath. [Kings often want to have their memories refreſhed on this ſubject.] He ſhews a mighty deſire of holding the reins of government in his own hand. He no ſooner gets power, than he ſhews his incapacity for being truſted with it. He diſplaces all the faithful ſervants of the ſtate, to make room for his worthleſs favourites. He ſeizes the charters of *London*, impriſons the mayor and ſheriffs, fines the city, and

loſing the ineſtimable affections of the inhabitants of the capital, haſtens his own deſtruction. He tries to pack parliaments, to influence returning officers, to force elections, to raiſe money without parliament; obtains, by unfair means, the opinions of his ſervile judges in favour of his wicked meaſures; the very proceedings which afterwards brought *Charles* I. to the block. [If the old ſaying be true, *experientia docet ſtultos*, it is plain, that kings are not fools; for experience does not teach ſome of them.] The parliament impeaches him for unwarrantable liberality to worthleſs favourites; encouraging a junto to take upon them parliamentary power; cauſing the parliament roll to be altered and blotted at his pleaſure; forbidding his ſubjects to petition him; ſending into the houſe men not elected by the people, but nominated by himſelf; biaſſing members by threats and promiſes; refuſing the faithful advice of his ſubjects, and threatening thoſe who offered it, &c. The parliament formally dethrones him, as is known to every reader.

Uninfluenced parliaments, inſtead of giving, as we have ſeen, the people's money by millions upon every call of the miniſter, have been remarkably delicate upon that point.

Hen. III. *A. D.* 1255, demands an aid. Parliament requires two conditions, *viz.* 1. Obſervance of the two charters; and 2. That parliament have the appointing of the juſticiary, treaſurer, and chancellor. *Henry*, inſtead of complying, prorogues the parliament [a].

The ſtruggle between *Ch.* I. and his brave and free parliament is one of the moſt ſtriking inſtances in the hiſtory of the world, of the glorious effects produced

[a] *Rapin*, 1.-329.

duced by the love of liberty and their country in the uninfluenced minds of a ſet of honeſt and courageous repreſentatives. Let us contemplate a few inſtances of what is ſo much to the honour of human nature.

When that prince begun to demand money of parliament, there was great oppoſition made. *Pym*, and the other patriots, ſaid, the war was entered into raſhly, and therefore the nation was not obliged to ſupport it. He demanded an account of the money raiſed by *James* I. by reſumption of crown-lands, and ſale of titles and places. The commons accordingly, inſtead of ſupplies, proceeded to the conſideration of grievances [a]. The king diſſolves the parliament, becauſe they would grant nothing [b]. When he ſent repeated meſſages to the commons, preſſing them to go upon *ſupplies*, and let *grievances* alone, Sir *Robert Philips* propoſed to addreſs the king, and let him know what they intended to do, if he would not interrupt them. If the king would not ſuffer them to go on with the publick buſineſs, they muſt then depart in peace, and every man betake himſelf to prayer, that the confuſions to be apprehended might be averted. The ſpeaker, by the king's order, interrupts Sir *J. Elliot* in his remarks on the conduct of the miniſtry. Upon this, Sir *Dudley Digges* ſaid, "If we muſt not ſpeak of theſe things in parliament, let us be gone." A mournful ſilence, for ſome time, enſued. Then Sir *Nathaniel Rich* obſerved, "That it was neceſſary they ſhould take care of thoſe, who ſent them to parliament;" and propoſed to go to the lords, and, with them, wait on the king. The commons reſolve, that neither Sir *J. Elliot* (who was interrupted by the ſlaviſh ſpeaker) nor any other member, had ſpoken any

[a] PARL. HIST. VI. 402. [b] Ibid. 403.

thing undutiful during that parliament. A committee is ordered to consider what may be done for the safety of the kingdom, and that no member leave the house, on pain of being sent to the Tower. The speaker desired to go out for half an hour. Mr. *Kirton* observed, that this was unprecedented and ominous. It was observed by Mr. *Kirton* (with too much good-nature) that the king was a good prince; but persuaded by enemies to him and the nation. 'Let us 'try to discover them,' says he, 'and I doubt not, 'but God will lend us hearts, hands, and swords, to 'cut all his and our enemies throats.' Sir *Edw. Coke* observed, 'That greater moderation never was 'known, than theirs had been, considering, that their 'liberties had been so shamefully violated. That 'former parliaments had boldly pointed out evil coun-'sellors about the kings.' [He mentions several instances; but, as they occur in other parts of these collections, I shall not enumerate them here.] 'How 'shall we answer to God and men,' says he, 'if we 'do not make proper enquiry into the abuses of our 'times? Nothing grows to abuse, but this house hath 'power to treat of it. All men agree, that the duke 'of *Buckingham* is the cause of all the evil,' &c. The slavish speaker, who had stolen to the king (which was what he meant by asking to go out for half an hour) returned, and brought a message from the king, adjourning the house, and all committees, till next morning[a]. The speaker, by the king's command, adds, That he did not mean to *restrain* them in their just privileges; but only, that they should avoid reflections [no matter how *just*] on himself and his ministers[b]. What would have been, according

[a] Parl. Hist. viii. 191, 192, 196. [b] Ibid. 197.

cording to this monarch's idea, *reſtraining*, if it was not reſtraining, to ſtop the commons from enquiring into the conduct of bad miniſters? A power, which, as Sir *Edw. Coke* ſhews, had been ſo *conſtantly* aſſumed by parliament. Which ſhews the common apology for *Charles* I. *viz.* That he did not *abridge* liberty; but only refuſed to grant *new* privileges; to be greatly too indulgent to the violences of that deſperate tyrant.

The commons inſtructed their ſpeaker to anſwer to one of his threatening meſſages, That it is the ancient right of parliament to debate in their own method, without interruption from the ſoveraine. That it is their ancient cuſtom to conſider of grievances firſt, and ſupplies afterwards. That they thought it abſolutely neceſſary to join with the ſupplies a due care of the eſſentials of liberty, without which there is no government, nor any thing great or valuable that can be done either in peace or war [a].

In one of their remonſtrances to the king, *A. D.* 1626, they expreſs themſelves in theſe words:—'Your 'faithful commons, who *can* have no private end, no 'object but your majeſty's ſervice, and the good of 'our country [b].' [Had there been in that houſe of commons two or three hundred placemen, they would not have dared to ſay, 'We *can* have no private end.'] 'It hath been the ancient, conſtant, and undoubted 'right and uſage of parliaments to queſtion, and com-'plain of all perſons, of what degree ſoever, who have 'been found grievances to the commonwealth in 'abuſing the power committed to them by their ſove-'raine—without which liberty in parliament, the 'common-

[a] Parl. Hist. vii. 441. [b] Ibid. vi. 467.

'commonwealth *might* languiſh under the preſſure [of 'thoſe grievances] without redreſs.'

The intractableneſs of his parliaments (an honeſt parliament will always be intractable, becauſe a court will always be making exorbitant demands) made him determine to govern without them. When he could no longer put it off, he called one; but, ſays *Voltaire*[a], 'C'etait aſſembler des citoyens irritez;' this was calling together a ſet of enraged ſubjects, and giving them an opportunity of conſulting about the deſtruction of his tyranny. For the court had not then, as now, millions to dole away, by which to put a grumbling houſe of commons in good humour.

The faſhion was not in thoſe days, as we have ſeen it ſince, to ſtifle all enquiries into the diſpoſal of the public money. Therefore it was 'ordered, *A. D.* '1648, by the houſe of commons, That the com-'mittee of *Goldſmith's Hall* do print all their receipts 'for compoſitions, and how the moneys have been 'diſburſed, that aſperſions upon parliament may be 'cleared[b].'

In thoſe tyrannical times, the *inſtruments* of the tyranny were the grandees of the court, who were gainers by it; and the *vindicators* of the public liberty were the *commons* of *England*, who had no ſhare in the ſpoils, but were loſers, and had nothing to make up their loſſes. Had the commons of thoſe days had a fellow-feeling wth the court; had there been two or three hundred placemen in the houſe of commons, would they have ſtood up ſo boldly for the intereſt of their country? It was the court that impoſed ſhip-money, that condemned *Prynne*, *Baſtwick*, *Burton*, *Leighton*,

[a] *Volt.* Ess. sur l'Hist. iv. 147.
[b] *Whitel.* Mem. 308.

Leighton, &c. It was the brave commons that reverſed the cruel ſentences, and caſt their enemies in damages for unjuſt impriſonment, tyrannical ſeizure of papers, exorbitant fines, cruel pilloryings and mutilations, ſtar-chamber, court of *York*, &c.

'Reſolved, (*A. D.* 1647) That no member ſhall 'receive any profit of any office, grant, or ſequeſtra-'tion from parliament: That whatever any members 'have received ſhall be repaid for public uſe, and the 'eſtates of members liable for their debts[a].' A day was appointed for hearing complaints againſt members, and no member to receive any reparation for loſſes, till the public debts be paid. [Our gamblers are wallowing in the public money, while the nation is in debt 130 millions.] And tho' the ſelf-denying ordinance was not ſtrictly kept; (for *Ireton*, *Fleetwood*, *Harris*, and others, were elected into the houſe) a few corrupt men could carry no point; and the ordinance itſelf ſhews the ſenſe of the times, and of all times, and all men, who pretend to have any regard for their country, concerning *placemen* in the *houſe*. And the many regulations made ſince for the pretended purpoſe of making parliament free, though ineffectual, and perhaps not always intended to be effectual, yet have a decent appearance, as coinciding with the general ſenſe of mankind on this point.

The commons under *Ch.* I. were almoſt always unanimous. No wonder: they had no indirect intereſt to divide them; no places, no penſions, &c. to put them upon oppoſing what was plainly for the public good. Therefore we do not find in thoſe times any abandoned ſpeechifiers in the houſe; like our *Walpoles* and our *Pelhams*, ſupporting the uſeful-

[a] PARL. HIST. xv. 422.

neſs of court-influence in parliament, in direct oppoſition to common ſenſe and common decency.

'Reſolved, (*A. D.* 1640) That no monopoliſt or 'patentee ſhall ſit in the houſe.' Many were expelled, and new writs iſſued[a]. Parliament, *A. D.* 1645, publiſhes a declaration, 'That it would be an acceptable 'ſervice, if any perſon would inform of any members 'taking bribes for any matter depending in the houſe[b].' The brave commons under *Ch.* I. brought the lord keeper *Finch* upon his knees before them, and proving inexorable, obliged him to make his eſcape[c]. They proſecuted *Strafford* and *Laud* to death, they forced *Windebanke* to fly. They ſtruck with terror all the tools of the tyrant, and puniſhed all their proceedings, however ſupported by precedent, which were not warranted by ſome expreſs law[d]. They condemned the monopolies reſtored by *Charles* after their being, by a former parliament, ſolemnly declared illegal; and puniſhed thoſe concerned in them, expelling ſome members of their own houſe on that account. They changed, in leſs than a month, the face of affairs in *England*, from the moſt abſolute monarchy to a democracy, without other diſturbance than a ſcuffle between the king's army and the *Scotch* at paſſing the *Tyne*; and rouſed that ſpirit in the nation, which brought the bloody tyrant, commonly called the bleſſed martyr, to his merited end[e].

Sir *Harbottle Grimſtone* thus deſcribes a parliament anſwering the deſign and exhibiting the true ſpirit of a parliament. 'Of ſuch awful *predominancy* is the 'very

[a] PARL. HIST. IX. 148.
[b] PARL. HIST. XIV. 140.
[c] *Hume*, HIST. STUARTS, I. 244.
[d] Ibid. 246. [e] Ibid. 247.

'very name of a parliament to the nation, that it ſtrikes 'with terror and deſpair all *evil doers*, and enriches and 'comforts the ſpirits of many groaning under the bur-'den of oppreſſion, inflicted on them unjuſtly and 'maliciouſly by unmerciful and wicked men, who 'have uſurped to themſelves places and offices of 'power and authority in church and ſtate. It is not 'only the powerfulleſt of all courts, but the *wiſeſt*; 'made and compacted not only of men found in 'religion, and well *learned*, but *ripe* in their judg-'ments, ſelected from all parts of the kingdom, 'choſen with the *free* conſent of the *whole* body politic 'of the kingdom.' [A man muſt be out of his wits to deſcribe parliaments in our times in this manner.] 'This great and high council is not only of ſuch 'power and wiſdom, but endowed with the greateſt 'privileges, that not only the meaneſt of his majeſty's 'ſubjects, but the greateſt perſons of the kingdom are 'in danger, if infringers of the ſame, to be called 'in queſtion, and puniſhed.' *Grimſtone*'s ſpeech on occaſion of *Charles*'s demanding the five members[a]. He then mentions the privileges of parliament: viz. 'To ſpeak or debate, vote, impeach, condemn, 'acquit, proteſt, or remonſtrate according to evi-'dence, and the ſtate of things,' [in ſpite of miniſte-rial, or regal interpoſition.] 'No member to be pro-'ſecuted but by the houſe for things ſaid in the 'houſe, nor to be apprehended, his ſtudy broke open, 'or his papers ſeized, but by order of the houſe. 'To make or unmake laws, raiſe taxes, do what 'buſineſs they pleaſe firſt, without ſuperior *compulſion* 'or *influence*; nor to be diſſolved capriciouſly when 'they are redreſſing wrongs and framing good laws, 'or

[a] PARL. HIST. x. 180.

'or profecuting delinquents.' To *Grimſtone*'s ſpeech may be added the anſwer of the commons in their declaration, *A. D.* 1642. The king pretended, that the meaſures he purſued, were more for the good of the kingdom, than thoſe, which they propoſed, on which account he rejected all their wiſe and pacific propoſals, and was not to be ſatisfied, 'till he made his country a ſea of blood.

'Is it likely, ſay they, that thoſe, who are eſpecially 'choſen' [electors were then unbribed, and unterrified by miniſters or by grandees] 'and introduced for the 'purpoſe, and who themſelves muſt needs have ſo 'great a ſhare in all grievances of the ſubjects' [no member had then any idea of indemnifying himſelf, by a place, or a penſion, of the burden he brought upon his country by voting according to the miniſter's direction] 'ſhould wholly caſt off all care of the 'public good, and the king only take it up?'

'Heretofore, ſays Mr. *Holles*, in his ſpeech before the 'lords, *A. D.* 1641, parliaments were the catholicon, 'the balm of *Gilead* which healed our wounds, reſtored 'our ſpirits, and made up all breaches of the land. Of 'late years they have been without fruit, &c.' Parliaments were then become ineffectual becauſe diſſolved by the tyrant. Now we often wiſh them diſſolved[a].

Sir *William Jones* anſwered *Ch.* II's proclamation, and apology for diſſolving his parliament at *Oxford* in a pet, and ſays, *inter alia*, 'The court never 'diſſolved a parliament abruptly and in a heat, but 'they found the next parliament more averſe, and to 'inſiſt on the ſame things with greater eagerneſs, than 'the former.—A parliament always participates of the 'preſent

[a] PARL. HIST. IX. 298.

'present temper of the *people*[a].' Those times differed from ours (the present always excepted) for we have seen the times, when the true account of the matter would have been, that parliament is what the *court (not* the *people)* would have it to be.

When Mr. *Holles* impeached the nine peers before the lords[b], in his speech he shewed the importance of parliaments, and that the enemies of the public tranquillity, have always sought the destruction or diminution of the power of parliaments. 'Parliament, says he, is the foundation of government; 'it creates and preserves law; watches over religion' [the members in those days had some religion,] 'prevents licentiousness of manners; preserves the rights 'and liberties of the subject; provides for common necessities; prevents public fears; the kingdom can 'rest on no other foundation, than that of parliament.'

It is remarkable, that, when he mentions the arts of enemies for defeating the use of parliaments, as refusing to call them, diverting, obstructing, interrupting, or abruptly dissolving them; he never mentions corrupting them by places, pensions, &c. the most effectual of all means for destroying their usefulness. What had been done in that way before those times, had answered little purpose. *Ch.* IId's pension parliament was the first successful experiment of that black art, so fatally improved since. 'When *Ch.* I. (says lord *Lyttelton*, in his speech on the *Spanish* convention[c]) 'told the commons, who were prepar-'ing complaints against *Buckingham*, that he would 'not allow any of his servants to be questioned in 'parlia-

[a] Deb. Lords, I. 264.
[b] Parl. Hist. XI. 200.
[c] Deb. Com. XI. 312.

'parliament, he ſpoke the language of deſpotic power, 'and ſuch as this houſe would never endure. But if 'inſtead of ſpeaking ſo openly, he had a little ſoftened 'his ſtyle; confeſſed their right to queſtion his ſer- 'vants, but at the ſame time denied them the means: 'if *Buckingham* himſelf had challenged them to exa- 'mine his conduct, or the conduct of thoſe who acted 'by his inſtructions and under his orders; and then 'refuſed them the ſight of theſe inſtructions, and the 'regular methods according to the uſage of parlia- 'ment of examining into theſe orders; the appearance 'indeed would have been fairer, but the proceeding 'itſelf would have been equally dangerous, equally 'fatal to the rights of this houſe. Sir, that parlia- 'ment would not have borne it; for it was compoſed 'of ſuch men as had no influence upon them to abate 'the ſpirit and zeal with which they proceeded to en- 'quire into and puniſh mal-adminiſtration: ſuch men 'at their firſt meeting, before they would give one 'penny of money to ſupport the king in a war with '*Spain* which had been begun at the deſire of par- 'liament, appointed a committee to conſider of ſecret 'affairs, and another for grievances. They reſolved 'to enquire into the miſemployment of the public 'treaſure, and diſhonour brought upon the nation, 'before they voted any ſupply, without apprehending 'any reproach of want of zeal for the king or the 'war; but that they might know the true ſtate of 'the nation, and carry on the war with more chearful- 'neſs when juſtice was done upon thoſe who had 'involved them in ſo many difficulties, the ſame parlia- 'ment declared, and it ſtands uncontroverted yet upon 'your journals, That common fame is a good ground of 'proceeding for this houſe either by enquiry, or if the

'houſe

'houſe find cauſe, by impeachment. Accordingly 'queries were drawn up to enquire into the conduct 'of *Buckingham*, which were afterwards turned into 'articles of impeachment againſt him; and the king 'to ſave his miniſter had no other way than diſſolving 'that parliament; for the art of ſoftening them by 'corruption was not in uſe in thoſe days. Sir, I hope 'I have not miſpent your time in calling back to 'your memory the proceedings of a former houſe of 'commons which deſerve, I think, the greateſt re-'ſpect, and are mentioned with reverence by the moſt 'impartial hiſtorians. How hiſtory will mention ours, 'I wiſh we may think worth our concern; but how 'the nation will judge of them now, I am ſure we 'ought to conſider. Sir, if a king has loſt the eſteem 'and the hearts of his people, the interpoſition of par-'liament may awaken him to a ſenſe of his error, and 'by healing counſels reconcile and reſtore them again; 'but if parliaments themſelves act ſo as to loſe their 'own dignity and by conſequence the eſteem and 'love of the people, who ſhall then interpoſe or 'what mediator is left? It is ſuch an evil as admits 'of no remedy: it is the worſt misfortune that can 'ever befal a free government. To have approved 'the convention, to have rejected a motion for laying 'before parliament the inſtructions of the miniſter 'who concluded and ſigned that convention, and then 'to deny the means of examining into theſe negotia-'tions upon which *Spain* grounds theſe very preten-'ſions, which we are now fighting to deſtroy—theſe 'meaſures will certainly do us great honour in the 'opinion of thoſe who are this year to pay four 'millions for ſupporting the war. What they will 'think of all this I do not know; but I am apt to

'believe they will never think about it, without having 'at the ſame time in their thoughts that the ſame 'houſe of commons has three times rejected the place 'bill.'

In the ſhort, the too ſhort period of the republic (for how happy had it been for *England* if ſhe had been governed by the republican parliament during the period of her diſgraces under *Charles* II. and *James* II.) in that ſhort period we ſee what may be expected from a ſet of un-bribed, un-biaſſed men aſſembled together to conſult for the public good, without fears, and without hopes, from a bribing court, and free from the incumbrances of ſuch kings, or houſes of peers, to negative, or at leaſt to entangle and impede their meaſures for the general advantage. How unfriendly to liberty kings and lords have been, will too plainly appear on peruſing the articles *Kings* and *Lords* in the ſequel. I write in this ſeemingly republican ſtrain, not that I have the leaſt thought of ſuggeſting the neceſſity, or propriety, of changing the form of government in *Britain*, from regal to republican, though the latter is undoubtedly preferable to the former, ſuppoſing a ſtate to be *ſettling* its form of government; but to caution kings and lords, not to bring on, as they have formerly done by their miſbehaviour, their own excluſion. But let us hear our incomparable female hiſtorian.

'On the ſubject of the glory acquired by the *Engliſh* 'republic in this infant ſtate, we ſhall obſerve the fol- 'lowing incautious teſtimonies of its inveterate ene- 'mies. *Heath*, on entering into the ſubject of the 'parliament's forced diſſolution, and the ruin of the 'republic, breaks out in the following exclama- 'tion. "Now to the reproach of Fortune and her 'glorious

'glorious pageant of an *Engliſh* commonwealth, 'which ſhe had ſet up for another wonder of the 'world, to brave the pyramids of ſtone, and coloſſus 'of braſs, as to the defiance of time's injury, having 'ſubdued all likelihood of danger from without; all 'princes being ready to entertain their friendſhip."— 'Clarendon, who with a heart replete with ſelfiſh 'malice, in proſpective ſaw and ſighed over the 'future grandeur of his country, on ſpeaking of the 'political conduct of cardinal *Mazarine*, makes the 'following obſervation: "After the battle of *Naſeby* 'was loſt, and the king ſeemed ſo totally defeated, 'that he had very little hope of appearing at the head 'of an army which might be able to reſiſt the enemy, 'the cardinal was awakened to new apprehenſions, 'and ſaw more cauſe to fear the monſtrous power of 'the parliament, after they had totally ſubdued the 'king, than ever he had to apprehend the exceſs of 'greatneſs in the crown." Treating of the *Dutch* 'war he obſerves: "The United Provinces now 'diſcerned, that they had helped to raiſe an enemy 'which was too powerful for them, and which would 'not be treated as the crown had been." *Guthrie*, an 'hiſtorian of monarchical principles, makes the fol- 'lowing obſervation: "*Mazarine* imagined, and that 'not without good grounds, that the natural intereſt 'of *France* led her to wiſh *Cromwell* to be at the head 'of the *Engliſh*, rather than it ſhould be formed into 'a republic of brave and wiſe patriots."

'On this act of violence,' [*Cromwell*'s turning out the republican parliament] '*Coke* (an enemy) ex- 'claims, "Thus fell the victorious parliament, whoſe 'mighty actions will ſcarcely find belief in future 'generations; and to ſay the truth, they were a ſet of

'men moſt indefatigable and induſtrious in buſineſs, 'always ſeeking for men fit for it, and never prefer- 'ring any from favour and importunity. As they ex- 'celled thus in civil affairs, ſo it muſt be owned they 'exerciſed in matters eccleſiaſtic no ſuch ſeverity as 'others before them, upon ſuch as diſſented from them." 'Guthrie, an anti-republican, expreſſes the following 'favourable opinion of this parliament: "The 'Engliſh republicans by their vigor and ſpirit, ſtruck 'Europe with conſternation; and the Engliſh flag was 'ſuch a protection to commerce, that the trade of the 'world ſeemed now to center in Europe. Had this 'vaſt expence been drained from the ſweat of the 'people, the furniſhing it would not have ſo much 'alarmed the Dutch: but there had been a great reduc- 'tion in taxes, the cuſtoms alone furniſhed 250,000*l.* 'clear of all deductions; the people ſcarce felt 'their burthens; and even the greateſt enemies the 'government had, were pleaſed with the figure which 'England made abroad. Hiſtorians in general, eſti- 'mating things by events and prejudices, have repre- 'ſented the late parliament in a pitiful light, deſpiſed 'and diſregarded by the people, which gave Cromwell 'the boldneſs to act as he did. But the reverſe of 'this is true; for Cromwell diſſolved them becauſe he 'knew they muſt in time win upon the people; that 'the ſpirit with which they proceeded would ſoon 'render him and his army uſeleſs; and that they were 'pointing towards an eſtabliſhment which muſt check 'the carreer of all inordinate ambition." "This 'parliament (ſays Trenchard, in the Hiſtory of ſtanding 'armies in England) made their name famous through 'the whole earth, conquered their enemies in England, 'Scotland and Ireland; reduced the kingdom of Portu-

'*gal* to their own terms, recovered our reputation at 'ſea, overcame the *Dutch* in ſeveral famous battles; 'ſecured our trade, and managed the public expences 'with ſo much frugality, that no eſtates were gained 'by private men upon the public miſeries, and at laſt 'were paſſing an act for their own diſſolution and 'ſettling the nation in a free and impartial common-'wealth." *Ludlow* on the praiſes of this renowned 'aſſembly writes. "It will appear to unprejudiced 'poſterity that they were a diſintereſted and impartial 'parliament, who though they had the ſovereign power 'of the three nations in their hands for the ſpace of 'ten or twelve years, yet did not in all that time give 'away amongſt themſelves ſo much as they ſpent for 'the public in three months." In a *Diſcourſe of the* '*national excellency of England*, here is the following 'honourable character given of the *Engliſh* government 'during the ſhort time it remained a republic. "If 'you reſpect its infancy and beginning, it outwent 'in warlike atchievement all other common-wealths. 'I lay before me the exploits of *Sparta*, *Athens*, *Car-*'*thage*, and *Venice*; and know that the *Venetians*, '*Switzers*, and *United Provinces* at this day, being 'contemptible for territory, are thoſe only that appear 'fitteſt matches for the greateſt empires. I know 'alſo, that *Rome*, the only miſtreſs of the world, was 'juſtly celebrated for large conqueſts; and yet none 'of theſe ſtates gave ſuch ſtarts, and made ſuch 'acqueſts at their riſe as our *Engliſh* common-wealth. 'Certainly ſo many advantages conduced to its great-'neſs and increaſe, and at its firſt appearing ſo large 'were its territories, that it may well be affirmed, 'never was a commonwealth in that reſpect laid on ſo 'large a foundation; and if in our conceit we ſhould 'give it an anſwerable growth, we could not aſſign it

'leſs than the whole globe at laſt for its portion. At 'firſt, if you will judge by the affections of the people, 'it had not the hundredth part of *England* itſelf, and 'was to go through difficulties which would have con-'founded any but a free ſtate; yet how quickly had it 'brought the nation to ſomewhat a better underſtand-'ing and a fair way of ſettlement: ſo that there are 'ſome who queſtion whether any natural prince of '*England* had ever been aſſiſted on any occaſion with 'ſuch great forces ſo ſuddenly and with ſuch alacrity 'raiſed, as they were at *Worceſter*; and on the other 'ſide, how few went over to the king of *Scots*, though 'generally looked on as a rightful prince, deſerves 'conſideration. It lived not out a luſtre; yet con-'quered *Scotland*, (introducing more liberty and greater 'privileges than they had before) *Ireland*, and ſeveral 'other ſmaller iſlands; made other nations feel its force, 'as the *French* and *Portugueſe*; and was going on in 'ſuch a carreer of action as was not to be ſtopped by 'human power. This government began a war with 'the *Dutch*, which it would have ended with abſolute 'conqueſt, or fallen in the attempt; and after this pro-'bably, it would have entered on more honourable 'enterprizes, and not ſuffered the nation to grow effe-'minate by eaſe and vice. In a word, it had brought 'in an inſtant the nation to a full glory, and ſuch a 'ſplendour as caſt a darkneſs, as it is affirmed by ſome, 'on the greateſt actions of former times. This is 'certain, that the neighbouring ſtates trembled at its 'ſudden and prodigious greatneſs, and remote poten-'tates did court and ſeek a good underſtanding from 'its hands; and its diſſolution brought no ordinary 'content to thoſe who had cauſe to fear it." "The 'agent from the *Stewarts* (as a late writer reports) at

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'the first appearance of this commonwealth urged the 'United Provinces, that if *England* were free, it would 'be formidable to them not only by interrupting their 'fishing, and all other maritime advantages, but by 'robbing them of traffic, as they had done the *Venetians*; 'and not only so, but give law to all *Christendom* by 'reason of the commodiousness of its harbours and the 'number of its ships." To the just and high elogiums 'which have been made on the government of the par-'liament it is to be remembered, that to them is due 'the singular praise of having pursued the true interest 'of their country, in attending particularly to its ma-'ritime strength, and carrying on its foreign wars by 'its naval powers. This example, which raised *Eng-'land* to so great an height of glory and prosperity, has 'never yet been followed, and in all probability never 'will, by the succeeding monarchs. The aim of 'princes is to make conquests on their subjects, not to 'enlarge the empire of a free people. A standing 'army is a never-failing instrument of domestic tri-'umph; and it is very doubtful whether a naval force 'could be rendered useful in any capacity, but that of 'extending the power and prosperity of the coun-'try[a].'

'If the very rump of a parliament' (says a writer in STATE TRACTS, time of king *William*) 'even in the 'midst of domestic discontents, and beset on all sides 'with foreign assaults, and invasions at home; if that 'small and broken number without any head, and 'under so many disadvantages, could by this only 'means secure our peace, and so widely extend the 'repute and honour of the *English* name; what country 'or what region could ever give limits to the un-

[a] *Macaul.* HIST. ENGL. v. 107.

'bounded reputation of a full and legal parliament so 'nobly qualified? What nation could there be so 'powerful as to resist our forces, or so politick as to 'infatuate our counsels? There is nothing within the 'compass of human wishes of which we might not 'assure ourselves, from the wisdom and virtue of such a 'disinterested assembly [a].'

Fairfax's plan shews what an idea people had in those times, (*viz.* before parliamentary corruption prevailed) of the safety of confiding in them. He proposes that the two houses have the supreme judgment of offenders, with power of exposition and application of law without appeal. No state-criminal to be pardonable by the king, without their consent. The house of peers no longer to be alone the supreme court, grand juries to be nominated, not by the undersheriff, but by the people of the counties mutually. Militia to be under power of parliament for ten years, and not under the king *alone*. The public treasure the same. Regulations for the militia or army to be made in parliament. Great offices of state to be disposed of by parliament for ten years. Afterwards parliament to give in to the king three names, and he to appoint one. No new-made peer to sit without leave of parliament. All declarations against parliament to be void. In modern times, it is altogether the same to the people, whether the command of the army, treasury, state-offices, &c. be in the court, the lords, or the commons. For these three are one.

When a reward was proposed for Mrs. *Lane*, for saving that blessed saint *Charles* II. some of the members said, the house had no right to give away in this manner the people's money to any but the king for public

[a] State Tracts, time of King *William*, II. 644.

public uſe [a]. On the contrary, in modern times we ſee our parliaments ſo motherly to our miniſters, they know not how to refuſe them any thing they aſk; at one time our kings are to have their civil liſt (formerly granted annually) ſettled on them for life; at another 500,000 *l.* voted to pay the civil liſt debts; at another an account of 250,000 *l.* of 60,000 *l.* of 35,000 *l.* paſſed unexamined, becauſe the court gave their word of honour the money was all ſpent in the public ſervice; of which more elſewhere.

Clarendon ſays, *Charles* II. deſpaired of his reſtoration, when he heard of the reſurrection of parliament after *Richard Cromwell*'s reſignation. An incorrupt parliament is never very courtly, and contrariwiſe, a corrupt one can deny nothing to kings and courts. But if *Charles* had recollected, that his friend *Monk* had an army at his command, he would not have deſpaired. Armies and kings have a great tenderneſs for one another, and are particularly uſeful to one another. Both depend more upon *power*, than upon *juſtice*; both love to rule without *controul*; kings love armies, becauſe an army can *ſupport* them in tyrannical meaſures without the trouble of *ſatisfying* the ſubjects; and armies love kings, becauſe they are *indulged* by kings (on account of their uſefulneſs) in a different manner from what they experience under republican government. But of this I ſhall have occaſion to treat fully in the article *Army*.

'There is nothing of greater importance to the 'ſafety and good of the kingdom, (ſays Mr. *Pymme*, 'A. D. 1641) than that this high court of parlia-'ment, which is the fountain of juſtice and govern-'ment, ſhould be kept pure, uncorrupt, and free from 'partiality

[a] PARL. HIST. XXIII. 59.

'partiality and bye-reſpects. This would not only 'add luſtre and reputation, but ſtrength and authority 'to all our acts. In this the lords are ſpecially inte-'reſted, as being a third eſtate by inheritance and birth-'right. The commons are publickly intereſted by 'repreſentation of the whole body of the commons of 'this kingdom, whoſe lives, fortunes, and liberties 'are depoſited under the cuſtody and truſt of the par-'liament [a].'

—'Leaſt of all will it be ſwallowed by a *parliament*,' ſays *Thurloe*, in one of his letters, ſpeaking of certain ſchemes propoſed for keeping *Cromwel* in power [b]. In our times we never hear of any body afraid of parliament, but writers on the ſide of the oppoſition.

There were not wanting court-ſycophants in the time of *Charles* II. who celebrated him to the ſkies, and juſtified all his ruinous proceedings. But his parliaments did not always eccho back, as in our times, the falſe panegyric.

'Long, long, may that royal tree live and flouriſh, 'upon which thoſe fruits do grow!' ſays *Shafteſbury*, in his ſpeech to parliament, *A. D.* 1673, with a great deal more to the ſame beſlobbering purpoſe, to blind the eyes of both parliament and people, and to incline them to be contented with the proceedings of the times. *Shafteſbury* in this rhetorical flouriſh hits off one undoubted property of *Charles*. He was ſo very fruitful of baſtards, that the wags of the times obſerved, that he might be ſaid almoſt literally, as well as figuratively, to deſerve the ancient moſt honourable title of *pater patriæ*, the father of his people. Both lords and commons however ſhewed themſelves very much

[a] PARL. HIST. x. 13.

[b] *Macaul.* HIST. v. 199.

much discontented at the continuance of the *Dutch* war, the exorbitant power of *France*, prevalence of popish counsels, &c. which they take care to signify to the king in an address for a fast [a]. And the commons seeing at last his worthlessness in joining *France* against *Holland*, and that the design of his five villainous tools, whose initials form the famous word CABAL, was to make him absolute, oppose him openly. They resolve, that *Lauderdale*, and the *French* alliance, are grievances. The king prorogues them immediately. On their meeting again, they address him against his guards; and impeach *Buckingham* and *Arlington*. *Charles* finding that they were too honest to grant him further supplies for an odious war, makes peace with the *Dutch* [b].

'Were the house of commons' (says a writer in the STATE TRACTS, time of king *William*) 'a true representative, and free from external force and private bribery, nothing could pass there, but what they 'thought was for the publick advantage. For their 'own interest is so interwoven with the *people's*, that 'if they act for *themselves* (which every one of them 'will do as near as he can) they must act for the 'common interest of *England*. And if a few among 'them should find it their interest to abuse their power, 'it will be the interest of all the rest to punish them for 'it: and then our government would act mechanically, 'and a rogue would as naturally be hanged as a clock 'strikes twelve when the hour is come. This is the 'fountain head from whence the people expect all 'their happiness, and the redress of their grievances; 'and if we can preserve them [*viz.* parliaments] free 'from corruption, they will take care to keep every 'body

[a] DEB. COM. I. 191.

[b] *Hume*, HIST. STUARTS, II. 236.

‘ body elſe ſo. Our conſtitution ſeems to have pro-
‘ vided for it by never ſuffering the king (till
‘ *Charles* Iſt's reign) to have a mercenary army to
‘ frighten them into a compliance, nor places
‘ nor revenues great enough to bribe them into
‘ it. The places in the king's gift were but few, and
‘ moſt of them patent places for life, and the reſt
‘ great offices of ſtate enjoyed by ſingle perſons,
‘ which ſeldom fell to the ſhare of the commons, ſuch
‘ as the office of a lord chancellor, lord treaſurer, privy
‘ ſeal, lord high admiral, &c. and when theſe offices
‘ were poſſeſſed by the lords, the commons were ſevere
‘ inquiſitors into their actions. Thus the government
‘ of *England* continued from the time that the *Romans*
‘ quitted the iſland to the time of *Ch.* I. who was the
‘ firſt I have read of that made an oppoſition to him-
‘ ſelf in the houſe of commons the road to preferment,
‘ of which the earls of *Strafford* and *Noy* were the
‘ moſt remarkable inſtances; who from great patriots
‘ became the chief aſſertors of deſpotick power. But
‘ this ſerved only to exaſperate the reſt; for he had
‘ not places enough for all that expected them, nor
‘ money enough to bribe them. It is true, he raiſed
‘ great ſums of money upon the people; but it being
‘ without authority of parliament, and having no
‘ army to back him, it met with ſuch difficulties in the
‘ raiſing, that it did him but little good, and ended at
‘ laſt in his ruin; though by the means of a long and
‘ miſerable war which brought us from one tyranny
‘ to another: for the army had got all things into their
‘ power, and governed the nation by a council of war,
‘ which made all parties join in calling in *Ch.* II. ſo
‘ that he came in with the general applauſe of the
‘ people, who in a kind fit gave him a vaſt revenue
‘ for life. By this he was enabled to raiſe an army,
‘ and

'and bribe the parliament, which he did to the pur-
'poſe: but being a luxurious prince, he could not
'part with great ſums at once. He only fed them
'from hand to mouth: ſo that they found it neceſſary
'to keep him in a conſtant dependance upon them,
'as they were upon him. They knew he would give
'them ready money no longer than he had an abſolute
'neceſſity for them, and that he had not places enough
'in his diſpoſal to ſecure a majority in the houſe: for
'in thoſe early days the art was not found out of
'ſplitting and multiplying places; as inſtead of a lord
'treaſurer, to have five lords of the treaſury; inſtead
'of a lord admiral, to have ſeven lords of the admi-
'ralty; to have ſeven commiſſioners of the cuſtoms;
'nine of the exciſe; fourteen of the navy office; ten
'of the ſtamp-office; eight of the prize-office; ſix-
'teen commiſſioners of trade; two of the poſt-office;
'four of the tranſports; four for hackney-coaches;
'four for wine-licences; four for the victualling-
'office, and multitudes of other offices which are
'endleſs to enumerate. I believe the gentlemen, who
'have the good fortune to be in ſome of thoſe em-
'ployments, will think I compliment them, if I
'ſay, they have not been better executed ſince they
'were in ſo many hands than when in fewer: and I
'muſt confeſs, I ſee no reaſon why they may not be
'made twice as many, and ſo on *ad infinitum* (unleſs
'the number be aſcertained by parliament) and what
'danger this may be to our conſtitution I think of
'with horror. For if in ages to come they ſhould be
'all given to parliament-men, what will become of
'our ſo much boaſted liberty? What ſhall be done,
'when the criminal becomes the judge, and the male-
'factors are left to try one another[a]?'

The

[a] STATE TRACTS, time of king *William*, II. 654.

The commons, *A. D.* 1673, vote in a grand committee that no more ſupplies ought to be granted during a certain period, unleſs they ſee neceſſity, on account of the *Dutch* war, and till the kingdom be ſecured againſt popery, and grievances redreſſed [a].

The commons, *A. D.* 1678, vote ſupplies, but with ſtrict limitations [b].

The commons, *A. D.* 1678, give a direct denial to the king's requeſt in his ſpeech for an additional revenue of 300,000 *l.* a year [c].

A ſupply was granted, *A. D.* 1679, but with an appropriation to certain purpoſes only, and penalty in caſe of miſapplication [d].

The *commons* complained of unaccounted millions, *A. D.* 1701 [e]. Now the *people* complain, not the *commons*. Why, indeed, ſhould the *commons* complain? The *court* and *they* divide the ſpoil between them.

It is remarkable, how directly in the teeth of the court, the commons often proceeded in former incorrupt, or leſs corrupt, times. In former times the court and commons were generally oppoſite; in ours the conſtituents and repreſentatives. There was much corruption in king *William*'s time; but we ſometimes ſee the ſtream of parliamentary proceedings in thoſe days run very clear. King *William* had given away immenſe grants of forfeited eſtates in *Ireland*. The commons reſolved, *A. D.* 1699, that a bill be brought in for reverſing every one of thoſe grants, and 'applying all the forfeited eſtates and intereſts in 'Ireland, to the uſe of the public, and that a judi-'catory

[a] *Rapin*, II. 672.
[b] DEB. COM. I. 276.
[c] Ibid. 286.
[d] DEB. COM. I. 344.
[e] *Tind.* CONTIN. I. 479.

'catory be erected for determining claims, and that 'they [the commons] will receive no petitions con-'cerning grants.' The courtiers in the houſe moved, That ſome part of the forfeited eſtates might be left in the king's diſpoſal. It paſſed in the negative; and they made a reſolution condemning the adviſing and procuring thoſe grants to be paſſed [a]. The commons addreſſed the king on theſe reſolutions. The king anſwered, that his intention in giving thoſe grants was to reward thoſe, who had behaved well, particularly in the reduction of *Ireland*, which he thought himſelf in juſtice obliged to do. The uncourtly commons thought he was more juſtly bound to pay the juſt debts contracted in the late war; and they thought the forfeited eſtates a very proper fund for the purpoſe. How did the *Romans*, in their beſt times, reward their heroes? With a wiſp of hay round their heads, or a ride through the town, and up to the capitol. The commons, provoked at this anſwer, reſolved, That whoever adviſed it, intended to create a miſunderſtanding between the king and people [b].

All the proceedings were ordered to be printed, and it was reſolved, 'That the procuring, or paſſing exor-'bitant grants by any member of the privy council, 'to his own private uſe, is a high crime and miſde-'meanor [c].' Thoſe brave men were jealous even of our great deliverer, and would not bear miſ-government even by him. The lords (generally on the wrong ſide) oppoſe theſe brave and wiſe meaſures. Conferences followed, and warm diſputes between the houſes. At laſt the good king deſires the lords to yield the point. Lord *Sommers* was found to be at the bottom of all this oppoſition. The commons put the

[a] Deb. Com. iii. 123. [b] Ibid. 124. [c] Ibid. 126.

the queſtion, that the king be deſired to remove him This was not carried; but a reſolution was made, that no foreigner (except the prince of *Denmark*) be admitted to his majeſty's counſels in *England*, or *Ireland*. The king, to avoid this addreſs, prorogues, and afterwards diſſolves the parliament.

The commons, *A. D.* 1700, went upon a ſcheme for applying the value of forfeited eſtates, granted away ſince 1688, to the payment of the public debts. The value of them was thought to be almoſt two millions. The commons reſolve, That theſe grants were againſt the king's honour and the public good. This reſolution was preſented to the king in form of an addreſs; to which the king gives an anſwer, juſtifying the grants, as given to deſerving perſons. The commons, enraged, make a reſolution againſt the king's adviſers. They proceeded to a bill of reſumption. Thirteen truſtees are appointed to hear claims, &c. None to be truſted, who had any dependence on the king. An addreſs propoſed to the king that he would remove lord *Sommers* from his councils and preſence, becauſe he had oppoſed the bill of reſumption. The king, provoked, wants to overſet the bill. But many of the king's friends were for paſſing it to prevent miſchief, the commons being ſet upon it. The commons in thoſe days were too mighty for the court. It is true, that, according to *Tindal*[a], it was found afterwards, that the bill was not well contrived, and was therefore ſpontaneouſly dropt by the commons. But the bold oppoſition of the commons to the court, ſo different from what we ſee in our times, is what I mean to point out.

Incorrupt parliaments, inſtead of being ſlaves to miniſters, have kept miniſters in conſtant fear of being

[a] CONTIN. I. 399, 400.

being called to an account by them. 'In former times, 'parliaments were every moment upon the wing, and 'kept this noble band [the privy council] in awe, 'by taking them into their cognizance, placing, or 'misplacing some, or all of them, directing, or bind-'ing them by oath, as they saw occasion; of which 'the records are full [a].'

It is observed by Mr. *Kirton* [b], in his speech in the time of *Ch.* I. that 'former parliaments had boldly 'pointed out evil counsellors about the kings, as 30 'Edw. III. *John* of *Gaunt*, the king's son, lord *Lati-'mer*, and lord *Neville*, who were sent to the Tower. '7 *Hen.* IV. and 11 *Hen.* IV. parliament complained 'of the king's council, and obtained their removal, 'for besetting the king and dissuading him from the 'public good. 4 *Hen.* III. 27 *Edw.* III. and 13 *Rich.* 'II. parliament moderated the king's prerogative.'

Lord *Middlesex* was accused, in the time of *Jam.* I. and convicted of gross and sordid griping, and of procuring good regulations to be altered, as those concerning the court of wards, &c. of extortion in creating new places, and enhancing the perquisites of the old, &c. All the commons to a man joined in the impeachment. Not one to stand by a public robber [c]. Hereby was fulfilled the prediction of lord *Bacon*, *A. D.* 1624, who, meeting *Middlesex* soon after his advancement to the head of the treasury, congratulated him, and wished him, and all great state-officers, always to remember, that a *parliament* will come [d]. [In our times, you may as well tell ministers of the day of judgment, as of parliament.]

[a] *N. Bacon's* Disc. Gov. Engl. P. II. p. 18.
[b] Parl. Hist. VIII. 191.
[c] Ibid. VI. 132, *et seq.* [d] Ibid. VI. 309.

To the ſame purpoſe was the ſaying of lord *Coke*, That no ſubject, however potent, or ſubtile, ever joſtled with the law, but it broke his neck. But, in our times, it may be ſaid, as *Remus* remarked to his brother *Romulus*, 'Laws ſerve only as cobwebs, to 'catch the ſmall flies: the great ones break through 'them.'

The worthy and ſagacious *Davenant*[a], in the end of laſt century, wrote concerning parliamentary corruption, as if his pen had been guided by a prophetic inſpiration. 'Our wealth and greatneſs, ſays he, 'depend abſolutely upon keeping the *legiſlative* power 'to future ages *untainted*, *vigilant* for the public 'ſafety, *jealous* of the people's rights, *watchful* over 'miniſters, *unawed* by armies, *unſeduced* by prefer-'ments, bribes, or penſions. That we are ſafe at 'preſent; that this important poſt is well ſecured, 'is granted,' [ſome honeſt hearts, on reading this, and comparing the ſtate of things in latter times, will, perhaps, bleed for their degenerate country] 'but writing for poſterity, to which theſe papers 'may, peradventure, be tranſmitted, I think it need-'ful to give theſe cautions.'

'Let the injured reſort to the courts of law, and 'if *there* they fail of juſtice, in *parliament* they may 'be *confident* to receive it.' *Smith*'s ſpeech on the ſtate of the nation, 1641.[b]

Sir *Robert Naunton* aſcribes the happineſs in *Elizabeth*'s days, to the wiſdom and patriotiſm of the members of the houſe of commons. There was nothing then to give them. Therefore they had nothing to draw them from the good of their country[c].

'Mem-

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[a] II. 308. [b] PARL. HIST. X. 16. *ſeq.*

[c] *Rap.* II. 155.

'Members of parliament' (says the learned judge *Blackstone* [a]) 'are not thus honourably distinguished 'from the rest of their fellow subjects, merely that they 'may privilege their persons, their estates, or their do-'mestics; that they may list under party banners; may 'grant or with-hold supplies; may vote with or 'against a popular or unpopular administration; but 'upon considerations far more interesting and impor-'tant. They are the guardians of the *English* con-'stitution, delegated to watch, to check, and to 'avert, every dangerous innovation; to propose, to 'adopt and to cherish any solid and well weighed im-'provement. Bound by every tie of nature, of 'honour, and of religion, to transmit that constitu-'tion, and those laws to their posterity, amended if 'possible, but at least without derogation.'

Camden observes, that no tax disgusts the *English* which has the sanction of parliament. This is true in general. In former times, parliaments had the confidence of the people. Have parliaments the confidence of the people in our times? 'The nation 'naturally loves parliamentary cures: but is jealous of 'all others [b].' If, therefore, at any time, the nation is *jealous* of parliament, it is to be supposed there is reason; because the prejudice of the people is in *favour* of parliament.

Colonel *Lundy* (though excepted out of the indemnity by the commons, *A. D.* 1689) *desires* to be examined by the commons [c]. The commons had then the *confidence* of the people; as juries, or arbitrators, have now. We have seen the times, when an honest,

[a] COMMENT. I. 9.

[b] *Burn.* HIST. OWN TIMES, II. 113.

[c] DEB. COM. II. 355.

and conſequently obnoxious, man, who would have feared nothing, if to be tried by a jury, give his cauſe for loſt, if ordered to appear before parliament. *G. Grenville*, a few years ago, told the houſe of commons, their manner of deciding conteſted elections was ſo groſs, that not one of them would chuſe to have any part of his property at the mercy of the houſe, if a jury of porters or carmen could be had.

'While the commons were raiſing money, [*A. D.* 1695] 'they wiſely enquired into the diſpoſal of 'former taxes, and diſcovered ſo much corruption, 'that they thought it was high time to puniſh, and 'prevent farther [a].'

King *William* celebrates this parliament for forming the national revolution-aſſociation; for remedying the debaſement of the coin; for reſtoring credit; for giving ſupplies for the war; for paying off debts; and for ſettling the civil liſt [b]. A great deal of buſineſs done in *one* parliament. We too have ſeen a great deal diſpatched in one parliament, but buſineſs of another ſort. We have ſeen in one parliament the power of election of members taken from the people, and uſurped by the commons; the colonies irritated by taxing them without repreſentation; the mother country ſo diſſatisfied, that 60,000 petitioned to have parliament diſſolved; 600,000 *l.* of the people's money given, ſorely againſt their will, to pay debts, which none, but the miniſtry, knew to be real, or if real, how contracted; the *Eaſt India* company deprived of her rights and privileges, without pretence of tranſgreſſion againſt government; religious liberty refuſed to two different ſets of petitioners humbly requeſt-

[a] Deb. Com. II. 446. [b] Ibid. III. 90.

requeſting what all mankind have an unalienable right to enjoy, &c. of all which more fully elſewhere.

From theſe few pages may be formed ſuch an idea of what parliaments ought to be, of what they have been, and of what, it is to be feared, we ſhall not quickly ſee them reſtored to, as may incline us to adopt the antient prophet's complaint;

'How is the gold become dim! How is the moſt 'fine gold changed! The precious ſons of *Zion*, 'comparable to veſſels of fine gold, how are they 'eſteemed as earthen pitchers, the work of the hand 'of the potter [a]!'

The true value is only to be reſtored to our debaſed parliaments by putting them into the refining furnace, and purging them of the groſs alloy of places and penſions, which have ſo long debauched and diſgraced them.

CHAP. II.

Placemen and Penſioners unfit for Members of Parliament, becauſe not likely to be uninfluenced.

ONE of the oldeſt, if not abſolutely the oldeſt, writer in the world, threatens 'a fire to conſume 'the tabernacles of bribery [b].' A parliament filled with placemen and penſioners is literally a tabernacle of bribery. For it is impoſſible to give an *honeſt* reaſon for any number of placemen's or penſioners having *ſuffrage* in parliament. The houſe of commons ought to be the *people* in one room. And why muſt the people be bribed to conſult their own intereſt? If indeed the

[a] LAMENT. IV. 1. [b] JOB XV. 34.

court has ſchemes to carry, directly oppoſite to the people's intereſt, it may be convenient for the *court*, that many placemen croud the houſe of commons.

It is not eaſy to imagine, even ſtretching charity till it cracks, that any one ever ſeriouſly thought the admiſſion of place-men, penſioners, and officers, into the houſe of commons, ſafe, or decent; that any man of common ſenſe can think of it otherwiſe, than as an open and impudent defiance of the ſenſe of the whole independent people of *England*.

Our court advocates, however, ſometimes divert themſelves (on a too fatally ſerious ſubject) by treating the independent people like children, when they tell us, it is good policy to drop ſome douceurs among the members of both houſes, to *attach* them more cloſely to their *country*'s good. As if it were neceſſary to bribe mankind to conſult their *own* intereſt. Take away your douceurs, and *every member*'s intereſt will be the ſame with the *public*. Suppoſe I give out, that I will not eat, or drink, unleſs the court bribes me. Would the court think it neceſſary to ſettle an annual penſion on me, to make me eat a dinner every day? or would it be thought proper to give me a place—any where, but in Bedlam? The court knows full well, that the direct contrary of their ſcandalous pretence is the truth; and that the members of the legiſlature would naturally conſult but too well for their iniquitous purpoſes, their own intereſt, in conſulting that of their country, did not they byaſs them by throwing *another* intereſt and advantage in their way; which for that reaſon they accordingly do, at an immenſe expence to the nation.

He knew human nature well, who ſaid, The love of money is the root of all evil. He, who can reſiſt the

the love of money, may be ſaid to be tried as gold in the fire.

Quiſquis ingentes oculo irretorto
Spectat acervos. *Hor.*

But as we know, the number of men capable of ſtanding this fiery trial, is very ſmall, we ought to be the more cautious of laying temptations in the way of thoſe, whoſe failure is to be apprehended, and whoſe failure may be of ſuch ruinous conſequence to the public. To truſt our all, without account, to a ſet of frail men, and then put thoſe men in ſuch circumſtances as are likely to lead them to betray us—what can be imagined more contrary to wiſdom? Several millions a year laid out in ſupporting the power of the court! And this not ſufficient; of ſuch a growing nature is corruption! Nothing of this boundleſs unaccountable waſte could have place in a republic. I do not mention this as any reflection on our *kings*. It is but a ſmall part of this immenſe ſum, that is conſumed by them in their *propria perſona*, or that is laid out on their families. But in a republic, judge *Blackſtone* [a] would not have wrote as follows; 'It is impoſſible to ſup-'port that *dignity*, which a king of *Great Britain* 'ſhould maintain, with an income in *any degree leſs*, 'than what is now eſtabliſhed by parliament.' According to the learned judge, whatever is, is right. But, ſurely, with all due ſubmiſſion, the *dignity* of a *Britiſh* monarch does not conſiſt in his *ſpending* large ſums of his poor people's money; but rather in his *ſparing* their purſes, and ſetting them an example of frugality. With the learned judge's good

[a] Comm. i. 333.

leave, it is the dignity (if dignity it may be called) of the *miniſtry*, and their crew, much more than the king's, that devours the civil liſt. So that the plain *Engliſh* of what the learned judge has written, will be what follows; 'It is impoſſible to ſupport that 'influence which a *Britiſh* miniſtry *ſhould* maintain, 'with an income in any degree leſs than ſeveral mil-'lions *per annum*:' Than which I cannot conceive a more ruinous political doctrine.

When Sir *W. Temple* diſſuaded *Ch.* II. from all thoughts of making himſelf abſolute, he obſerved to him, among other things, that it would be impracticable: for that *England* was quite a different ſort of country from *France*, where abſolute government was eſtabliſhed. That in the land of ſlavery there was no ſuch independent body as our middling gentry; and that, on the contrary, that country was full of prieſts, of needy nobleſſe, military officers, and revenue-men, all naturally devoted to the ſupport of arbitrary power, as being all intereſted in it themſelves; that *Charles* had but few places and penſions to give, and no army of conſiderable force [a]. [We have innumerable places and penſions to allure, and a formidable army to threaten our members into court-meaſures.] Accordingly the penſion parliament was very compliant to the court at firſt; but grew more patriotic afterwards, moſt probably diſappointed in their voracious expectations.

Ch. I. *A. D.* 1628, gave out, that it belongs only to the judges to declare the meaning of the laws [b]. But *Rapin* juſtly remarks, That this was making thoſe men the interpreters of the laws, who depended on

[a] *Hume*, HIST. STUARTS, II. 240.

[b] *Rapin*, II. 276.

on him; for the king could then make or unmake the judges, as he pleaſed; which was throwing the liberties, properties, and lives of the ſubjects into the hands of the king or miniſtry. Is not the reaſoning the ſame with regard to members of parliament? If they hold places, and expect preferments from the miniſtry, are they not the dependents on the miniſtry as much as *Charles*'s judges were on him? And is it not as much to be expected, that they ſhould be ſlaves to the miniſtry?

Whitelocke, in oppoſing the ſelf-denying ordinance, obſerves, That the *Greeks* and *Romans* gave the greateſt employments to their ſenators. But there is always a great difference between a monarchy and a republic. The latter has checks for overgrown power, which the former knows nothing of. And it is the peculiar evil of monarchy, that miniſters ſcreen themſelves behind the throne; and, as kings are ſacred characters, as our kings can do no evil, and parliaments are bribed, miniſterial crimes go unpuniſhed. Again; *Whitelocke* ſays, the *Engliſh* have always given great places to the members of both houſes. But in thoſe times, the number of places was ſo ſmall, they could ſeldom produce any great effect. Accordingly we ſee how ſtaunch parliaments were in *Ch.* Iſt's time.

The propoſals for more effectually putting the ſelf-denying ordinance in force *A. D.* 1648, were at that time over-ruled, becauſe many of the members held very profitable places. Yet it is certain there were not in thoſe days places for a majority of the houſe, and all depends on the majority [a]. How then came the minority to gain ſuch a point?

This

[a] PARL. HIST. XVII. 386.

This ſhews, that the *effect* of places and penſions given to parliament-men extends much wider than the places and penſions themſelves reach to. There are always in parliament a multitude of gapers, who hope to catch a ſop by and by, and are therefore ready to curry court-favour by ſhewing themſelves to be on the court ſide. It is to be ſuppoſed, that was then the caſe.

The author of *Faction detected by Facts*, ſays, a penſion-bill is impoſſible, becauſe members may take the money, and conceal their crime. But why may not things be put on ſuch a foot, that a miniſter ſhould not know how to find money enough to bribe 300 men of fortune every time he has an unconſtitutional point to carry? Beſides, were a double penalty ſet upon both giver and receiver, the frequency of detection, in conſequence of party-altercation, would render bribing very dangerous. And were parliaments annual, with excluſion of a certain number by rotation for three years, as the law requires in the caſe of ſheriffs, it could be worth no miniſter's while to bribe.

Our houſe of commons pretends to have an abſolute controul over elections, to determine who ſhall ſit in their houſe, and who ſhall not. Why then have they never determined, that no member ſhall ſit, who has given victuals, or drink, or money, to be elected? Why do they not determine that no man ſhall ſit in their houſe, who has a dependence of any kind upon the court? The anſwer is plain. This would only be for the advantage of the *people*, and would ruin the trade of *parliamenteering*; for 'courtiers and king's 'ſervants (ſays *Whitlocke*) ſit in parliament rather to 'promote their maſter's ends [and their own] than 'their country's rights [a].'

On

[a] PARL. HIST. XIX. 231.

On this grievous ſubject, cruel is the ſneer of the courtiers upon us, when we complain of placemen in the houſe, *viz.* 'That the *people* themſelves are in 'fault; Why do they re-elect them?'—Ah, ye traitors, who 'grin horrible a ghaſtly ſmile,' while ye are ſtabbing liberty to the heart! full well do ye know (at the very time ye are mocking us with this unjuſt and wicked recrimination of a fault, which owns yourſelves only for its authors) that the wretched people *re-elect* upon the ſame principle as they *elect*. A handful of beggars either tempted by a *bribe*, or awed by the *threats* of a man in power, elect and re-elect as they are *bid*. And ſo the houſe comes to be filled with the tools of a miniſter. Nothing can therefore be imagined more farcical, than our pretending to make a law rendering it neceſſary to *re-elect* every member, who has accepted a place. The only law, that could, to any purpoſe, have been made, was utter *diſqualification*.

One would imagine, there could not be much room for accuſing the republican parliament of places and penſions. Yet it appears, that reflections were even then made upon that account, which ſhews the delicacy of thoſe times. 'What does the enemy ſay, 'nay what do many ſay, who were friends at the be-'ginning of the parliament? even this. That the 'members of both houſes have got great places and 'commands, and the ſword into their hands, and what 'by intereſt in parliament, what by power in the army, 'will purpoſely continue themſelves in grandeur, and 'not permit the war ſpeedily to end, leſt their own 'profit and power ſhould determine with it. This I 'ſpeak to our own faces. It is but what others do 'utter abroad behind our backs. I hope we have ſuch 'true *Engliſh* hearts and zealous affections toward the

'general weal of our mother country, that no member 'of either houſe will ſcruple to deny himſelf and his 'private intereſt for the public good, nor account a 'diſhonour done to him, whatever the parliament ſhall 'reſolve upon in this weighty matter.' *Cromwell*'s ſpeech, (the only ſenſible one he ever made) which led to the ſelf-denying ordinance [a].

It was reckoned, there were 232 members of the firſt parliament of *Geo.* I. who had places, penſions, or titles, beſides a great many brothers, and heirs apparent, of the nobility, or perſons otherwiſe likely to be under undue influence; the number of which was not below 50, which added to the 232 makes 282 [b]. A frightful majority on the ſide of the court. And there is no reaſon to ſuppoſe the *Augean* ſtable is generally cleaner now than it was then.

'Had our new barrier been well fortified,' [that is, the independency of parliament ſecured at the revolution] 'had the repreſentative of the people been con-'trived to anſwer to the name, all our kings had been 'queen *Elizabeths*. But our elections in inconſider-'able boroughs, and our members being qualified to 'ſerve two maſters, were ſuch miſtakes in our funda-'mentals, that, as they have produced our paſt misfor-'tunes, they muſt produce the like under bad princes, 'or evil projecting miniſters. With a houſe of com-'mons choſen truly by the people incapable of penſions 'and places, the king and kingdom had been incapa-'ble of misfortune: they had been out of the reach of 'all human power, and with due ſubmiſſion, above 'fate; ſince ſuch a government would have made us 'the proper objects of divine protection, and not only 'have

[a] Parl. Hist. xiii. 376.

[b] Deb. Com. viii. 210.

'have secured our greatness and glory, but our relí-
'gion and morals too, which I fear are all going toge-
'ther[a].' A parliament is not necessarily a security more than a court, (as the *French* king's court) against slavery. *James* II. *A. D.* 1689, assembled a parliament in *Ireland*. But what sort of parliament? Let *Tindal*[b] answer. Slaves to the king, packed by him, bigotted to popery, and furious against the protestants, king *William*, and the revolution. Suppose a parliament thoroughly attached to the court by bribery, the effect would be the same as if attached by a false principle.

'We have seen and heard,' says lord *Bolingbroke*, 'in
'a nation hitherto free, such maxims avowed and pleaded
'for, as are inconsistent with all the notions of liberty.
'Corruption hath been defended, nay recommended as
'a proper, a necessary, and therefore a reasonable expe-
'dient of government; than which there is not perhaps,
'any one proposition more repugnant to the common
'sense of mankind and to universal experience. Both
'of these demonstrate corruption to be the last deadly
'symptom of agonizing liberty. Both of them declare
'that a people abandoned to it are abandoned to a repro-
'bate sense, and are lost to all hopes of political salva-
'tion. The dependence of the legislature on the execu-
'tive power hath been contended for by the same persons,
'under the same direction, and yet nothing surely can be
'more evident than this; that in a constitution like ours,
'the safety of the whole depends upon the ballance of
'the parts, and the ballance of the parts on their mutual
'independency on one another; agreeably to which,
'*Thuanus* makes *Ferdinand* say in answer to the *Castilians*,
'who press'd him to take away the independency of the
'states

[a] STATE TRACTS, time of king *William*, II. 645.
[b] CONTINUATION, I. 85.

'ſtates of *Arragon*; That the public ſafety depends on 'the equal ballance of the power of the king, and of 'the power of the kingdom, and that if ever it ſhould 'happen that one outweigh'd the other, the ruin of 'one, or of both, muſt undoubtedly follow [a].'

'It is pleaſant to obſerve a ſet of writers 'charging others with forming republican ſchemes, 'when they themſelves are the perſons who in 'effect, and by the neceſſary conſequence of their 'way of reaſoning, have been placing our excellent 'conſtitution in a moſt ridiculous and contemptible 'light. According to them it is no better than a jum-'ble of incompatible powers, which would ſeparate 'and fall to pieces of themſelves, unleſs reſtrained and 'upheld by ſuch honourable methods as thoſe of bribery 'and corruption; for how is it poſſible for any man 'under any other notion, to plead for the neceſſity or 'for the fitneſs of places and penſions, or any pecu-'niary influence among the members of the houſe of 'commons? If any dependence or biaſs created by 'ſuch motives were really neceſſary, it would prove 'that the form of our government itſelf was defective 'to a degree of ridiculouſneſs; that it was a conſtitu-'tion having a repreſentative of the people which muſt 'be engaged not to repreſent them, nor to vote and act 'if uninfluenced by private intereſt or corrupt motives. 'Now if ſuch an influence or dependence was univer-'ſal and unlimited throughout the whole houſe, the 'monarchy would be abſolute; and whenever this in-'fluence prevails in any degree, it tends to arbitrary 'power. For this reaſon the true friends of liberty 'muſt perpetually guard againſt ſuch influences, which 'is

[a] *Bolingbr.* REM. HIST. ENGL. 29.

'is not ſetting up a new form of government, but pre-
'ſerving the old [a].'

That placemen in parliament, are in our times a ſerious evil, appears from this, that 'the miniſter, 'before he introduces a bill, can foretell, almoſt with 'certainty, its fate in the houſe; and by means of the 'influence which he has over the members, can com-'mand, in moſt caſes, a majority of votes. Nor will 'this influence appear in the leaſt ſurprizing, if we 'conſider the great number of lucrative places which 'the ſovereign, that is, the miniſter, has to diſpoſe of. 'For though the property of the ſubjects be much 'larger than that of the ſovereign, yet is the property 'of this laſt by no means inconſiderable; and it is well 'known, that much leſs property, in a ſingle hand, 'will counterballance a greater in ſeveral hands. Ac-'cording to the moſt exact computation, there are 'near three millions at the diſpoſal of the crown. The 'civil liſt amounts to near a million, the collection of 'all taxes to another, and the employments in the 'army and navy, along with eccleſiaſtical prefer-'ments, to above a third million: an enormous ſum, 'and what cannot fail to attach to the court an im-'menſe number of dependants; and as few placemen 'are excluded from ſeats in parliament, the ſovereign' [ſay rather the miniſter] 'muſt have a mighty influ-'ence upon all the deliberations of that auguſt aſſem-'bly. It ought alſo to be obſerved, that the great in-'creaſe of our dominions, and the conſequent neceſſity 'for the proportionable increaſe in our military eſta-'bliſhment,' [there is no need of a military eſtabliſh-ment, a militia is every way preferable] 'are both of 'them pernicious to liberty; for ſeldom or never has it 'been

[a] *Bolingbr.* POLIT. TRACTS, 251.

'been known, that any nation has preſerved its liberty, 'after having greatly extended its conqueſts, and ſtill 'leſs after having eſtabliſhed a large ſtanding army. And 'though the increaſe of commerce, which is likewiſe 'the conſequence of extenſive dominions, be favoura-'ble in ſome meaſure to the cauſe of liberty, by intro-'ducing among the people a greater degree of equality, 'and by drawing them into large towns, which always 'breathe a republican ſpirit; yet does it alſo by this 'very circumſtance of drawing them into large towns, 'tend evidently to corrupt their minds, and to enervate 'their bodies, and thus to prepare them for the recep-'tion of that ſlavery, which a variety of other cauſes 'is likely to bring upon them. With regard to the 'people's jealouſy of the crown, which is ſaid to be 'inherent in the *Britiſh* conſtitution; this jealouſy, 'however great, may yet by an artful miniſter be laid 'aſleep. The power of the crown is certainly upon 'the increaſe, but it advances, at the ſame time, with 'ſuch ſlow and imperceptible ſteps, as not to awaken the 'jealouſy of the public; and before this jealouſy be effec-'tually awakened, the power of the crown may have be-'come ſo great, as to be altogether irreſiſtible. Every 'new tax that is impoſed upon the people, every foot of 'ground that is added to our dominions, every increaſe 'that is made in our military eſtabliſhment, all conſpire 'by their united influence to increaſe the power of the 'crown; and if things be ſuffered to proceed in their pre-'ſent courſe, and no extraordinary convulſion happens 'in the ſtate, the *Britiſh* liberties muſt at laſt be ſwallow-'ed up in abſolute monarchy. Might I preſume, amidſt 'theſe oppoſite arguments, to deliver my own ſenti-'ments, I would affirm, that the *Britiſh* government 'tends immediately neither to a republic, nor an abſo-

'lute monarchy, but to an ariſtocracy; though this 'laſt will in all probability only pave the way for the 'introduction of monarchy. The very eſſence of our 'liberty conſiſts in the people's having the right and 'the power to chuſe their repreſentatives in parlia-'ment; that is in other words, in being their own 'legiſlators. But ſhould we ever come to have a great 'number of hereditary legiſlators, or thoſe who are 'ſuch independent of the people's choice, and ſhould 'theſe hereditary legiſlators be poſſeſſed of the whole, 'or of the greateſt part of the national property, and 'ſhould they, by means of that property, be able to 'influence the elections, and to controul the proceed-'ings of the members of the lower houſe, though we 'may be ſtill amuſed with the pleaſing ſound of liberty, 'and though the lower houſe may be permitted to ſub-'ſiſt in its preſent form, the national liberties are from 'that moment ruined. For it is well known, that 'the forms of a conſtitution may long remain, after its 'ſpirit has been entirely extinguiſhed. How far this 'is our caſe at preſent, or how far it is likely to be our 'caſe, in ſome not very diſtant period, any one may 'eaſily determine, by conſidering the great number of 'wealthy commoners, who within this half century 'paſt have been advanced to the peerage, and the ſpirit 'which ſtill prevails of advancing others to the ſame 'dignity. The moment a commoner becomes trou-'bleſome in the lower houſe, if he is poſſeſſed of a 'competent fortune, he is immediately tranſplanted to 'the upper, where he at once ſtrengthens the ariſtocra-'tic, and proportionably weakens the democratic part 'of our government. And how great an influence the 'members of the upper, have upon the elections, and 'conſequently upon the proceedings of thoſe of the lower

'houſe, may be eaſily collected from peruſing a 'court calendar, where we ſhall ſee, that almoſt all 'the noblemens ſons in *England*, who are of a proper 'age, are members of the lower houſe, and that many 'commoners have obtained their ſeats there, by the in-'tereſt and countenance of ſome powerful nobleman. 'In a word, we ſeem to be in a fair way of becoming 'in a ſhort time, a nation of great lords, and of needy 'vaſſals; the conſequence of which muſt infallibly be, 'that the people, harraſſed by the oppreſſions of the 'great, conſcious that their liberties are already raviſh-'ed from them, and chuſing rather to ſubmit to one 'mild maſter, than to two or three hundred petty ty-'rants, will petition the ſovereign, as the laſt favour 'he can grant them, that he will be graciouſly pleaſed 'to eſtabliſh an abſolute monarchy. This was very 'lately the caſe in *Denmark*, and if nothing extraordi-'nary happens, it will in all probability be very ſoon 'the caſe in *Great-Britain*. How to prevent the im-'pending calamity, or if it cannot be prevented, how 'it may at leaſt be for ſome time warded off, I will 'not take upon me to ſay. A peerage bill was ſome 'years ago attempted, or an act to confine within 'certain limits the number of peers. Perhaps ſuch 'a ſcheme may again be revived, but there ſeems very 'little likelihood in the preſent diſpoſition of parties, 'that it would meet with ſucceſs[a].'

No one ever knew human nature better than He, who ſaid, 'No man can ſerve two maſters.' It is a romantic expectation, and unſuitable to what we know of the frailty of our ſpecies, to think of a placeman's or penſioner's being altogether unbiaſſed in favour of the miniſtry, to which he owes his emolument, and con-

[a] Polit. Regist. quoted Lond. Mag. 1767, p. 466.

conſequently of thoſe gentlemen's conſulting in their ſpeeches and votes the good of their country, with the ſame impartiality as they might be expected to do, if wholly independent. 'The wife of *Cæſar* ought to 'be not only innocent, but *unſuſpected*.' Why muſt the wife of *Cæſar* be more unſuſpected, than a *Britiſh legiſlator*? Could the *Britiſh* legiſlators think of paſſing unſuſpected, if there were in the houſe of commons more than two hundred notorious *dependents* on the court? As we go on, this ſhocking ſight may ſoon be ſeen.

The courtiers argue, that excluding placemen and penſioners from parliament, would ſeem to eſtabliſh an oppoſition between the crown and people; as if thoſe, who were employed by the one, could not be entruſted by the other. But indeed there ſeems to be no occaſion for mincing the matter. Let us fairly own, that we do not think the ſame perſons, who have the laying *out*, ought likewiſe to have the laying *on* of taxes. Since it is eaſy to imagine, that a member, who has a place, will be under little concern how heavily the people are taxed, as his income indemnifies him, and the heavier the taxes, the more money there will be for the court blood-ſuckers.

Ch. I. fairly declares his expectation of indirect ſervice from his convention parliament at *Oxford*, *A. D.* 1643. 'I think moſt of you, ſays he, are in my ſervice, 'either in a civil or a martial way[a].' To what purpoſe does he mention this, but to put them in mind, that they ought to expreſs their gratitude, by promoting his wicked ſchemes at any rate?

[a] PARL. HIST. XIII. [illegible].

Whitelocke tells us [a], that *Charles*, being disappointed in his schemes, 'took another course to gain eminent 'parliament men, who were against him, to become 'of his party, and to do him service. He took Sir 'Tho. *Wentworth* and Sir *Jo. Saville* into favour, and 'made them privy-counsellors. Sir *Dudley Digges* was 'made master of the rolls; *Noy*, king's attorney, and '*Littleton* solicitor.' His dependent judges declared ship-money lawful. On which occasion the pious and virtuous lady of judge *Croke* (whose fame be immortal!) said to her husband, 'she hoped he would do 'nothing against his honour, for fear of danger or loss, 'and that she would be content to suffer want or misery 'with him, rather than be an occasion for him to do, 'or say, any thing against his judgment or conscience [b].'

Lord *Digby*, in his speech, *A. D.* 1640, for frequent elections, mentions *Noy* as once a great patriot, and promoter of the petition of right. Afterwards, when made attorney general, he proved the very inventor of ship-money. He likewise calls *Wentworth* a shameful apostate [c].

St. John, one of the patriots in the time of *Ch.* I. was made solicitor general, and others were to be taken into places; but refused them, and stood by the parliament. It was afterwards suspected, that some, if they had accepted places, would have done the king's cause more harm than good, by betraying the court-schemes to the people [d]. Besides, the king had not then places enough to bribe a majority of the commons. This, however, shews what the court then thought, as well as now, the true means for making members knaves.

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[a] Mem. 13. [b] Ibid. 24.
[c] Parl. Hist. ix. 197.
[d] *Hume*, Hist. Stuarts, i. 260.

knaves. And it was to take off the imputations, under which the republican parliament fell, on account of placemen being in the houſe, that the ſelf-denying ordinance was firſt broached [a].

Scripture directs to ſhun the *appearance* of evil. And whoever does not fear the appearance, is not far from the *reality*. On this principle the brave commons of the republican parliament write as follows to the *Scotch* commiſſioners.

'We know your lordſhips can and will witneſs 'with us, that ſince our covenant and treaty, we have 'not received any dignities or offices from the king [b].'

When members of parliament are placemen, that is, when the ſame men have both legiſlative and executive power, how are we to expect that offenders in adminiſtration ſhould be puniſhed, the criminals being the judges? Can we think any ſet of men will be public ſpirited enough to hang themſelves for their offences againſt their country [c]?

'*Wolſey*'s ambition (ſays *Elſynge*) firſt brought 'the privy counſellors, and others of the king's ſer-'vants, into the houſe of commons; from whence they 'were anciently exempted. The effects are, the 'commons have loſt their chief jewel, freedom of 'ſpeech [d].'

It is a maxim in *Richelieu*'s *Teſtam. Polit.* That a king, that is, a miniſter, ſhould never part with a tax he has once got eſtabliſhed, even though he has no uſe for the money; becauſe by giving up the tax, he

[a] *Rapin*, II. 515.
[b] PARL. HIST. XV. 172.
[c] *Gord.* TRACTS, I. 61.
[d] *Elſynge*'s ANT. METH. HOLD. PARL. 171.

loſes the officers employed in collecting it. And theſe officers in parliament are ſure cards.

Hen. IV. of *France* gave the marſhal d'*Ornano* a ſtaff to turn papiſt, and afterwards aſked him which of the two religions he thought the beſt. 'The pro-'teſtant, undoubtedly, replies the marſhal; elſe your 'majeſty would not have given me a marſhal's ſtaff to '*boot*, to engage me to quit it.' I have forgot to ſet down the *original* writer of this anecdote. It is told in *Cato's letters*, &c.

A *Britiſh* miniſter gives places and penſions to thoſe who vote for him. Suppoſe one of thoſe members were aſked, Whether the ſervice of his country, or voting always with the court, is beſt; if he were as honeſt a knave as the marſhal, what could he anſwer, but, 'That certainly voting for the country's good 'was preferable to ſlavery under a miniſter; elſe the 'miniſter had no occaſion to give him a place or penſion 'to *boot*, to engage him to quit his country's ſervice 'for the miniſter's.' And is not this giving up the point?

The Emperor, and bloody *Mary* gave public penſions to the members of parliament.—With what view? To engage them to vote for the good of their country? No. To eſtabliſh popery; To vote the queen's marriage with a papiſt, *Philip* II. of *Spain*; which that venal parliament did accordingly; thereby manifeſtly ſhewing how ſoundly *Philip* and *Mary* judged of the effect of bribing parliament[a]. What difference does it make to me, as a ſubject, whether I am voted into ſlavery for gold ſent from the continent to bribe parliament, or for gold drawn out of the exchequer of *England*?

[a] *Rapin*, II. 38.

England? Of the two, modern bribery is the moſt diſgraceful. It is making us pay for the rod, which is to beat us, and the chain, that is to bind us.

Sir *Ch. Wager*, firſt lord of the admiralty, *Fox*, ſurveyor general of the works, and *Pelham* (I do not recollect what place he held at that time) were the ſpeakers againſt lord *Limerick*'s motion, *A. D.* 1741, for an enquiry into the conduct of affairs during *Walpole*'s 20 years adminiſtration, which was carried in the negative 244 againſt 242 [a]. And it is, in general, the ſame in all debates of the kind. The placemen always ſpeak and vote in one tone; ſo that before you begin their ſpeeches, you are certain, by only reading the name of the ſpeaker, and knowing, that he held a place, what the ſtrain of his ſpeech will be.

'An unpenſioned ſubject will always give the moſt 'faithful counſel to his prince. And it is the true 'intereſt of the prince to have about him thoſe, who 'will not flatter him, or be the ſlaves of his paſſions 'for the ſake of his money [b].'

When Mr. *Pulteney* reſigned his place, *A. D.* 1720, he ſaid in the houſe, 'He might *now* act with the 'freedom which became an *Engliſhman*;' which implied, that a place was incompatible with freedom [c]. The ſame gentleman was ſtruck out of the liſt of privy counſellors by *Geo.* II. with his own hand, for his uncourtly behaviour. The duke of *Argyle*, the earl of *Stair*, Mr. *Pitt*, Mr. *Legge*, and many more, have been diſgraced and diſplaced on the ſame account; which ſhews what courts expect of placemen. And are placemen then fit to be members of parliament?

[a] Deb. Com. xiii. 147.
[b] *Bolingbr.* Polit. Tracts, 283.
[c] Deb. Com. vi. 120.

An omrah of *Shaw Jekan*'s army having presumed to sit in his presence, the prince deprived him of his command. The disgraced officer went to the palace next day, and sat down in the presence chamber. Upon the *Shah*'s reproving him, he answered boldly, 'Now I am not in your majesty's *pay*, I may use the 'freedom, which belongs to every independent man.' The emperor approved, and restored him [a].

Treby moved, *A. D.* 1721, for the mutiny bill, which is not commonly brought in till the end of a session. *Jekyl* was for going on with the more necessary regulations for supporting credit. *Craggs* said, he wondered that a person who had received signal favours from the crown should oppose a bill so necessary for the safety of government. Lord *Molesworth* stood up, and said, 'Mr. Speaker, Is it come to this,' [I believe it is come to this] 'that every man who has a place must 'do all the drudgery that is enjoined him [b]?' On which principle, officers have been (as elsewhere observed) sent for from *Flanders* to vote for the minister.

In the year 1766, the governor of *New England (Bernard)* in his speech to the council and house of representatives, took occasion to blame their wise and patriotic conduct in excluding from the king's council the principal crown-officers. This proceeding (at all times proper, as the people cannot be too much on their guard against court-tools, nor too apprehensive of the danger of trusting power in their unhallowed hands) was peculiarly necessary at a time when the colonists had so lately seen a rapacious minister disposed to encroach in the most shameless manner on their liberty by loading them with taxes, to the payment of which they

[a] Mod. Univ. Hist. vi. 383.
[b] Deb. Com. vi. 227.

they had not given, nor could give their consent, as having no representative in parliament, where those taxes were imposed.

Those brave *Americans* defended their conduct upon the principles of their charter right to choose and refuse as they please, which they should certainly not give up either to their governor, or to the secretaries of state. They insisted, that their governor's pretending to make observations on their elections, was a high breach of their privilege. That, while they observed the directions of their charter, they were accountable only to God and their own consciences, for the manner in which they gave their suffrages. And that their charter itself would be of very little value to them, if it required that they should in their elections be under the controul of their governors. It is with regret I find myself obliged to give only *heads* of this spirited piece, the strain of which is worthy of the most elegant, as well as the freest age or nation [a].

A resolution, *A. D.* 1683, passed the assembly of *Pensylvania*, 'That no person appointed by the gover-'nor to receive his fines, forfeitures, or revenues what-'soever, shall sit in judgment in any court of judicature, 'when a fine may accrue to the governor [b].'

No man could be a magistrate at *Florence* if he had a brother or near relation in the magistracy [c].

'*Tous ceux qui possedent*, &c. All military officers 'are excluded from sitting in the assembly of the states 'general by a resolution, *A. D.* 1625 [d].'

Tindal

[a] Lond. Mag. 1766, p. 332, 407.
[b] Mod. Univ. Hist. xli. 8. [c] Ibid. xxxvi. 77.
[d] Etat Pres. de la Repubi. des Prov. Unies, par *Janiçon*, i. 78.

Tindal obſerves [a], 'It was a very *unuſual* thing in 'England for gentlemen who held ſuch *poſts*' [of pay-maſter general and chancellor of the exchequer, held by Mr. *Pitt* and Mr. *Legge*] 'to *oppoſe* a ſecretary of 'ſtate, who was ſuppoſed to know and to ſpeak his royal 'maſter's ſentiments,' in favour of continental connexions. Accordingly Mr. *Legge* was quickly, in reward for his *obſtinacy* againſt the *court*, *turned out*. Yet our daring court-jeſuits are ever ſounding in our ears the *uſefulneſs* of what can *alone* overthrow the *Britiſh* empire; I mean, court-influence in parliament. So little do they dread the tremendous curſe of heaven pointed directly at the heads of thoſe who put light for darkneſs, and darkneſs for light, who call good evil, and evil good.

The court-tools ſay, the influence of the court in parliament is neceſſary, and that places, penſions, and ſinecures are neceſſary. But what did honeſt old *Epaminondas* ſay to the embaſſadors of the king of *Perſia?* 'If the king wants me to do any thing for 'the good of my country, I am ready to do it with-'out a bribe. If he wants me to betray my country, 'his kingdom is below my price [b].

There might be ſome pretence for court-influence in parliament when there were many jacobites. There might in the time of *Charles* I. when there were many on the ſide of the tyrant. Yet the patriots of *Charles*'s time eſtabliſhed the ſelf-denying ordinance, on purpoſe to break through it. And they gained their point more effectually than *William*'s bribing miniſtry by the contrary conduct. It is true, he uſed to ſay, If he had places and penſions *enough* to

[a] CONTIN. IX. 538.
[b] *Corn. Nep.* IN EPAM.

to give, he ſhould ſoon reconcile whigs and tories [a]. But what did he mean by *enough?* A place for every jacobite of conſequence in the three kingdoms? This is romantic. But this corrupt policy will go a certain length. And if miniſters can but ſhuffle on a little and a little longer, they do not much care by what means, becauſe the money is flowing in all the while. 'Sir *Robert*,' (ſays a friend of the arch-corruptor, whiſpering him in the houſe) 'what are you doing? 'This fiction will be detected to-morrow.' 'No 'matter,' ſays the other; 'it will ſtop that fellow's '[*Pulteney*'s] mouth to-day, and let to-morrow take 'care of itſelf.'

Judge *Hales* would not ſuffer a gentleman's cauſe to be heard, till he *paid* him for a buck ſent him by the gentleman, though the preſent was a cuſtomary one. Compare this delicacy of ſentiment, which would not ſuffer thoſe great men ſo much as to ſeem byaſſed, with the execrable groſſneſs of our times, in which we ſee hundreds of court dependents ſitting with grave and modeſt face in the houſe of commons, where there ought not to be the ſhadow of an influence likely to byaſs the members againſt the intereſt of their conſtituents.

Some of our court-writers own, that 'penſions 'and bribes cannot be too vehemently decryed;' but openly declare their opinion, that the crown ought to have employments in its gift to engage ſupport. I own I do not underſtand what *need* there is of any ſupport, but rectitude of meaſures; or how a lucrative place can be conſidered otherwiſe than as a bribe, if it inclines a man to ſupport what he would not otherwiſe ſupport.

Why

[a] *Rap.* II. 802.

Why do we refuse a right of voting at elections to those who receive *alms?* Because we suppose, that such persons, being needy, will of course be dependent, and under undue influence. Why do we suffer men to sit in the house of commons who do receive alms, that is, *pensions*, and are upon the parish, that is, the nation? Because—we have schemes to carry, which are *inconsistent* with the public good.

'Your lordships' (says the earl of *Chesterfield* in the debate on a bill for making officers independent of the ministry, *A. D.* 1734 [a].) 'are, I am sure, all convinced, that the happiness, the essence of our constitution does not depend upon outward forms, but upon realities. Our constitution does not depend upon our having always a parliament; but upon that parliament's being independent of the administration; upon its being in the power of parliament to examine severely, and judge impartially the conduct and the measures of those employed in the administration, to represent the grievances, and watch over the liberties and the properties of the people of this nation, and to take away evil counsellors from before the king. But if ever a majority of both houses of parliament should come to be composed of gentlemen whose daily bread, or at least their chief support, depended entirely upon the favours of the crown, can it be imagined that it would then be in the power of parliament to examine freely, or judge impartially, the conduct of these favourites; to relieve the people from the oppressions brought upon them by such favourites; or to tell their sovereign any ungrateful truths about those whom he had thought fit to employ as his ministers? Would not an

[a] Deb. Lords, iv. 199.

'an arbitrary negative be then put upon all such 'queſtions in parliament? Would not the beſt de- 'ſigns of the uncorrupted and independent few be 'baffled by a corrupt and ſlaviſh majority? And ſhall 'any queſtion which tends towards the preventing 'ſuch a misfortune, have now the ill fate to be 'rejected by your lordſhips?'

It is well remembered how much, and how juſtly, all ranks in the nation were pleaſed with the act made at the inſtance of the preſent king (whom God preſerve!) *A. D.* 1762, for preventing the removal of the judges at the demiſe of every ſovereign, which naturally tended to put them on courting the heir apparent, to the violation of juſtice in their ſentences. But why were we pleaſed with this regulation? According to the oppoſers of all ſchemes for reſtoring independency to parliament, there was no need of any ſuch regulation. According to them, there is no corruption, no dependency, no need of any ſchemes for making either judges, or members of parliament independent.

'It would be ridiculous' (ſays the excellent *Trenchard*[a]) 'to throw away reaſon upon thoſe banditti, 'who go into parliament with the execrable intention 'of carrying to market a country, which truſted them 'with its all. Such men are worſe than cannibals, 'who only eat their enemies to ſatisfy their hunger; 'but do not ſell and betray their countrymen, who 'have truſted them with the protection of their per- 'ſons and property.'

In the debate, *A. D.* 1742, about bringing in the place bill[b], Sir *W. Will. Wynne* ſaid, 'Gentlemen 'often

[a] Cato's Lett. iii. 286.

[b] Deb. Com. xiv. 33—64.

'often change their ſentiments with their ſituation, 'and that a gentleman, after he becomes a *placeman*, 'begins to entertain notions of the *prerogative* of the '*crown* and the *liberties* of the *people*, very different 'from thoſe he had whilſt he was a plain, honeſt, 'country gentleman. If any thing like this ſhould 'happen in the preſent debate, it may tend to diſ-'appoint the motion; but with all thoſe who are 'neither placemen nor penſioners, I am ſure it ought 'to be an argument in its favour; and, I hope, it 'will prevail with ſome gentlemen, who in former ſeſ-'ſions oppoſed this motion, to alter their ſentiments 'and their way of voting upon this occaſion, when 'they have ſuch a plain proof before their eyes, that, 'if a place does not induce a man to vote againſt his 'honour and his conſcience, it at leaſt byaſſes his 'judgment, and makes him conclude that to be 'wrong, which he before thought and declared to be 'right.'

Lord *Strange*'s ſpeech in anſwer to that of *Edw. Walpole*, *A. D.* 1742 [a], is cloſe to our preſent purpoſe. 'As we ſeem to improve every day in thoſe doctrines 'that are introductory of arbitrary power, the doc-'trine of corruption has this day been puſhed farther 'than ever, I believe, it was in this houſe. It has been 'repreſented not only as a harmleſs, but a neceſſary 'implement of government; and all the laws we 'have for excluding penſioners, and ſeveral ſorts of 'officers, from having ſeats in this houſe, may, by 'the ſame ſort of reaſoning, be proved to be ſubver-'ſive of our conſtitution, and introductory of anar-'chy, confuſion, and arbitrary power. If a gentle-'man of a ſmall eſtate, or an eſtate, however large,

'that

[a] Deb. Com. xiv. 41.

'that cannot ſupply the wants of his luxury or ava-
'rice, cannot be ſuppoſed capable of being induced
'by any mercenary motive the crown can throw in
'his way, to conſent to grants or regulations, or to
'approve of meaſures that tend towards the intro-
'duction of arbitrary power, or that appear to be
'inconſiſtent with the public good; why ſhould we
'exclude penſioners, why ſhould we exclude the com-
'miſſioners and officers of our cuſtoms and exciſe,
'from having ſeats in this houſe? If the power of
'granting pecuniary and mercenary rewards to mem-
'bers be ſo neceſſary for the managing of this houſe,
'and for anſwering the neceſſary ends of government,
'why ſhould we, in any reſpect, abridge that power,
'which if ever ſo extenſive, can do us no harm, and
'which, if too much abridged, may overſet both our
'government and conſtitution? Surely, no man of
'common ſenſe would make the leaſt approach towards
'a precipice, if he could keep his diſtance without
'the leaſt danger or inconvenience; therefore, if
'we admit this doctrine, we muſt ſuppoſe thoſe par-
'liaments void of common ſenſe, in which the laws
'we now have for excluding penſioners, and ſeveral
'ſorts of officers, were agreed to. But experience
'in all ages, and all countries, muſt convince us that
'this doctrine is falſe, deceitful, and pernicious. In
'all countries where arbitrary power has been, or is
'now ſet up, corruption was the footſtool upon
'which it mounted into the throne. By corruption
'men are induced to arm their magiſtrates, or ſupreme
'magiſtrate, with ſuch powers, as will enable them
'to deſtroy firſt the eſſence, and afterwards the very
'face of public liberty.'

[His

[His lordship then shews, that nations are enslaved not by a *coup de main*, but by slow and imperceptible, but therefore more formidable degrees. That designing men begin with flattering and bribing, in order to obtain of the people the necessary advantages; that, by this means, they accordingly do obtain first one degree of power, and then another; till at last they find bribery needless, and that they can carry their designs by main force. He then goes on as follows.]

'Let us consider, Sir, in what liberty and property truly consists, and we shall see, that where 'any one man has in his power a large fund for corruption, both may be absolutely destroyed, and an 'arbitrary power established before people become 'generally sensible of their danger. A man's personal liberty consists in its not being in the power 'of any man, or magistrate, with impunity, to imprison or kill him, or inflict any personal punishment upon him, unless he has been formally tried, 'and justly condemned by that method of trial, and 'by those laws, which have been established, and are 'approved of by the majority of the society to which 'he belongs. Property again consists in a man's 'being secure of enjoying, and transmitting to his 'posterity, what has been left to him by his ancestors, 'or acquired by his own industry, unless the whole, 'or some part of it, be taken from him, in pursuance of laws that have been established, and are 'approved by the majority of the society to which 'he belongs. Whilst this is the case, every man of 'the society enjoys liberty and property in their full 'extent; and this will be our case as long as our

'elections and parliaments remain free from any influ-
'ence either compulsive or corrupt. But, suppose,
'Sir, a majority of our house of commons consisted
'of such as held lucrative places from the crown, and
'suppose a judge were to be brought before them
'who, for the sake of some corrupt consideration,
'had, at the desire of the crown, illegally and un-
'justly condemned and imprisoned many of his fel-
'low-subjects; would not the crown, I mean the
'ministers of the crown, endeavour to protect such
'a judge? Would not they give hints to their officers
'in this house, that a dismission would be the cer-
'tain consequence of their giving a vote against this
'tool? And can we suppose that many of these
'officers would chuse to lose a place of 500 *l.* or
'1000 *l.* a year, rather than give a vote in favour of
'this judge? Sir, I have a very great opinion of our
'present judges, but, without any reflection upon
'them, I will say, that it is upon the independency
'and integrity of our parliaments that we must
'depend for the integrity and impartiality of our
'judges; for the crown has many ways to reward a
'pliable judge, and as many to punish an obstinate
'one. Nay, if parliaments were once become depen-
'dent upon the crown, an obstinate integrity would
'of itself be sufficient for getting a judge removed by
'the address of both houses of parliament; for if the
'majority of parliament were such as depended upon
'the crown for getting or holding some lucrative em-
'ployment, they would easily be persuaded that such
'judge had done injustice to the crown, or had
'fomented sedition by shewing favour to the seditious,
'and under this pretence they would vote for ad-
'dressing to remove him, without considering that
'they thereby established arbitrary power; and

'made not only their own eſtates, but their lives and 'liberties dependent upon the arbitrary will of their 'ſovereign; for by this precedent, all our judges 'would be convinced, that they muſt take directions 'from the miniſters of the crown in all proſecutions, 'trials, and cauſes that might afterwards come before 'them; and what man could ſay he had any liberty 'or property left, if the miniſters of the crown had 'it in their power to take his life, liberty, or eſtate 'from him, whenever they pleaſed, by a falſe accu-'ſation, and a mock trial? Even after ſuch a fatal 'turn in our conſtitution, as long as a ſpirit of cor-'ruption prevailed among the people, and the court 'kept within the bounds of common decency, there 'would be no occaſion for any compulſive methods, 'either at elections, or in parliament, becauſe the 'miniſters would always find people enough, that would 'be ready to take their money or their favours, and 'in expectation or return would agree to vote as 'directed; but if by the ridiculous conduct of the 'court, a ſpirit of liberty ſhould ariſe among the peo-'ple, the violent and compulſive methods uſual in 'ſuch caſes would be made uſe of. Informers, or '*delatores*, as the *Romans* called them, would be found 'out and retained, and ſpread over the whole nation, 'in order to bring falſe informations againſt thoſe 'who dared to oppoſe the court either at elections or 'in parliament; and in both, men would be found 'to vote according to the directions of a miniſter, in 'order to preſerve that property by a ſlaviſh ſubjec-'tion, which they had before been endeavouring to 'increaſe by a villainous corruption. After what I 'have ſaid, Sir, I hope I need not particularly men-'tion all the other methods by which a corrupt de-'pendent parliament may ſap the foundations of 'our

'our conſtitution. Enſnaring laws may be made, or 'the laws we have for ſecuring our liberties may be 'repealed, or ſuſpended under various pretences, 'without a corrupt man's being ſenſible that he is 'thereby expoſing his own eſtate to the precarious 'tenure of arbitrary laws. On pretence of a ſham-'plot or a pretended diſaffection, the *Habeas Corpus* 'act, that corner ſtone of our liberties, may be ſuſ-'pended for a twelvemonth, and under the ſame pre-'tence that ſuſpenſion may be renewed for another, 'and a third twelvemonth, till at laſt the annual ſuſ-'penſion of that ſalutary law may go as glibly down 'as the mutiny bill, or malt tax, now does; for when 'theſe two bills were firſt introduced, no man ſup-'poſed they would ever become bills of courſe, to 'be paſſed without oppoſition in every ſucceeding 'ſeſſions of parliament.'

Lord *Strange* then goes on to ſhew how, among other particulars, a deſigning miniſtry might gradually increaſe the army to ſuch a pitch as would eaſily overthrow liberty.

'Can we ſuppoſe, ſays his lordſhip, that any man 'would riſque his loſing a lucrative employment by 'voting againſt a ſmall augmentation of the army? 'This, Sir, muſt convince every true lover of 'liberty, how neceſſary it is, that no member of 'this aſſembly, or at leaſt as few as poſſible, ſhould 'be under ſuch temptation. I ſhall grant, that in 'moſt points, which come to be debated before this 'houſe, ſome of our members may have a private 'intereſt in oppoſing, or agreeing; but as long as 'this private intereſt does not proceed from the favours 'they enjoy, or expect from the crown, it can never 'injure the public good; becauſe if ſome have a 'private intereſt in oppoſing, others will have a pri-

'vate intereſt in agreeing to what is propoſed; and 'thoſe whoſe private intereſt is no way concerned, 'will always caſt the balance in favour of the public 'good. The granting of money is the only caſe 'where we can ſuppoſe the members generally engaged 'by their private intereſt, to oppoſe what is neceſſary 'for the public ſervice; but this intereſt is ſo ſmall, 'with regard to each particular member, that it can 'never be of any weight. This is demonſtrated, Sir, 'from the whole courſe of our hiſtory, for I defy any 'man to give me one inſtance where the parliament 'denied granting what was neceſſary for the public 'ſervice, unleſs they were denied juſtice with regard 'to the redreſs of grievances, or unleſs they had well 'grounded apprehenſions that the money would be 'miſapplied. But let us ſee, Sir, how this argument 'will ſtand upon the other ſide of the queſtion. It is 'certain that the parliament ought never to grant 'more than is abſolutely neceſſary for the public 'ſervice. It is likewiſe certain, that we never ought 'to grant even what is neceſſary, till all grievances be 'redreſſed, and our former grants regularly and 'ſtrictly accounted for. This is our duty as mem-'bers of this houſe: but ſhall we perform this duty 'if a majority of us be greatly concerned in intereſt 'to neglect it? And this will always be the caſe if 'a majority of us hold or expect ſome lucrative office 'or employment at the pleaſure of the crown, becauſe 'it will always be the intereſt of miniſters, and even 'their ſafety may ſometimes be concerned in our 'not performing this duty. Suppoſe they aſk from 'parliament 500,000 *l.* or a million for carrying on 'ſome whimſical, perhaps pernicious ſcheme of their 'own; will a member of this houſe, who is to pay 'for his ſhare not above 50 *l.* of this ſum, refuſe

'granting

'granting it, when he is to get or hold 500 *l.* or '1000 *l.* a year, by conſenting to the grant? Will 'a member of this houſe inſiſt upon firſt redreſſing a 'grievance by which he ſuffers little, perhaps no 'ſenſible prejudice, when he is to get or hold 2 or '300 *l.* a year by letting it remain? And finally, 'Sir, will a member of this houſe call miniſters to a 'ſtrict account by which he can never expect to put 'a farthing in his own pocket, when by neglecting 'to do ſo, he may get or hold a good poſt or employ-'ment, and perhaps procure a round ſum, which he 'himſelf has purloined from the public. Sir, I was 'ſorry to hear a young gentleman talk ſo much of 'mens private paſſions and affections, and of every 'man's having a view to the ſervice of ſome favourite 'paſſion, in every vote he gives in parliament, or at 'elections. I hope the caſe is far otherwiſe; but if 'it is not, we ought to endeavour to make it ſo, by 'putting it out of the power (at leaſt as far as we 'can, by ſuch laws as this) of any man to ſerve him-'ſelf by his way of voting in parliament or at elec-'tions, any further than may reſult to him from the 'general good of his country. If we can do this; 'if we can put it out of the power of the ſelfiſh and 'mercenary to ſell their votes in parliament, no man 'will purchaſe a ſeat there at any high price, and this 'will of courſe put an end to bribery and corruption 'at elections; for no mercenary ſoul will purchaſe 'what he cannot ſell; and thoſe who are prompted 'by their ambition to purchaſe, will never go to 'any high price, nor will they ſubmit to be the 'ſlaves of a miniſter after they have purchaſed. Even 'miniſters themſelves would ceaſe their bribery at 'elections, becauſe they could not depend upon hav-'ing their candidate's vote in parliament, if he had

'no lucrative office depending upon his voting always 'with the miniſter; and if the flood-gates of the 'treaſury were not opened at any election, I am con- 'vinced we ſhould ſoon have little or no bribery in 'the kingdom. Whilſt there are purchaſers, Sir, 'there will be ſellers; I am afraid there are at pre- 'ſent too many of both: but if you can make it 'worth no man's while to purchaſe, you will put an 'end to the traffic; and this is the deſign of the 'bill now propoſed. I have ſhewn, that if you do 'not agree to it, there will be, there muſt be, a cor- 'rupt dependency in parliament; that by ſuch a 'dependency our conſtitution may be overturned, 'without any compulſive dependency: and that the 'latter may be made uſe of by an arbitrary govern- 'ment, and certainly will be made uſe of, as ſoon 'as it becomes neceſſary for the ſupport of its arbi- 'trary power. Upon this ſide, Sir, the danger is 'certain and inevitable. Let us then conſider the 'danger pretended to be on the other. If we exclude 'officers, or the greateſt part of them, from having 'ſeats in this houſe, it is ſaid, it will introduce 'anarchy and confuſion, becauſe it will be impoſſible 'to govern ſuch a numerous aſſembly as this with- 'out a power in the crown to reward thoſe who 'appear zealous in its ſervice; and that as ſoon as 'this impoſſibility is perceived, all our officers, civil 'and military, will join with the crown in laying 'aſide the uſe of parliaments. What the honourable 'gentleman may mean, Sir, by governing ſuch a 'numerous aſſembly, I do not know; but according 'to the common acceptation of the word, I ſhould 'be ſorry to ſee it in the power of miniſters to govern 'either houſe of parliament, by any other method 'than that of convincing the majority that nothing is

'pro-

'proposed or intended but what is for the public 'good; for if either house were to be governed by 'the hopes of reward, I am sure it could be of no 'service to the people, and of very little even to the 'crown itself; because the design and use of parlia- 'ments is, that they may be a check upon the con- 'duct of ministers; and no man, whose behaviour in 'this house is governed by his hopes of reward, will 'ever set himself up for a check upon the conduct of 'those who alone can bestow the reward he expects. 'We must, therefore, suppose that ministers may 'prevail with a majority of this house to approve or 'agree to what appears to be for the public service, 'without having it in their power to give a title, 'post, or pension to every one that approves of their 'measures; otherwise we must conclude that no such 'house ought to exist, and, consequently, that the 'very form of a limited government ought to be 'abolished in this selfish and corrupt nation. What 'effect some late corrupt practices may have had 'upon the genius and morals of the lower sort of 'people, I do not know, but I hope it has as yet 'had little or none upon the generality of those that 'have any chance of being members of this house; 'and unless they are become very much degenerated, 'we must, from experience, conclude, that when 'our ministers pursue popular and right measures, 'they may depend upon the assistance and approba- 'tion of parliament. This, I say, we must from 'experience conclude: for in former ages our mini- 'sters had few rewards to bestow, and yet they never 'failed of having the parliament's approbation, when 'their measures were such as were agreeable to the 'people. Nay, from the very nature of the case, 'we must draw the same conclusion; for a house of

'commons freely chosen by the people must approve 'of what the people approves of. If from selfish 'motives they should disapprove or oppose such mea- 'sures, the opposing members would be sure of being 'turned out at the next election; and as the king 'has it in his power to bring on a new election 'whenever he pleases, his ministers may easily get 'rid of such selfish mean spirited members, and may 'consequently, if they desire it, always have a par- 'liament generally composed of gentlemen of true 'honour and public spirit; but the contrary is what 'most ministers desire, as has of late been mani- 'fest from the characters of those who were generally 'set up as candidates upon the court interest. We 'can never, therefore, be in danger of anarchy or 'confusion from its not being in the power of a mini- 'ster to bribe a majority of this house into his mea- 'sures. When bribery and corrupt motives prevail 'within doors, they will certainly prevail without, 'and then we may see a member burnt in effigy one 'year, in the public streets of his borough, and re- 'chosen the year following as their representative in 'a new parliament. We may see the most notorious 'fraudulent practices by the underlings in power, 'and these underlings encouraged by the minister, 'and protected by a majority in parliament: we may 'see the most unpopular and destructive measures 'pursued by our ministers, and all approved, nay, 'applauded by parliament. These things we may 'see, Sir: these things we have seen within these 'last twenty years; and this has brought affairs both 'at home and abroad into the melancholy situation 'which is now acknowledged by all, and will soon, 'I fear, be severely felt by the whole nation.'

So

So juſt are theſe obſervations of lord *Strange* on the powerful effect of places and penſions on members of parliament, that the very next ſpeech confirms them. For in it we ſee Mr. *Sandys* (lately made chancellor of the exchequer) oppoſing the very bill which he himſelf was concerned in bringing in laſt ſeſſions [a].

> What makes all doctrines plain and clear?
> About two hundred pounds a year?
> And theſe, which were full plain before
> Obſcure again? Two hundred more. HUDIB.

Sandys was very ſeverely handled by Mr. *Cornwal*. And Sir *John Barnard* diverted the houſe with the following ſneers upon his ductility.

'From what has been ſaid [b], by ſome gentlemen in 'the debate, I foreſee, that if our parliaments continue 'in time to come, as complaiſant to our miniſters as 'they have been in time paſt, the fate of the queſtion 'under this adminiſtration will be the ſame with that, 'which was the fate of the queſtion about reducing 'our army under the laſt. The worthy gentleman 'who was at the head of our former adminiſtration, 'and is now ſo deſervedly ſent to the other houſe, 'had, whilſt he was a country gentleman, ſo ſtrenu-'ouſly oppoſed keeping up a numerous ſtanding army 'in time of peace, that after he became a miniſter, 'though exceſs of modeſty could never be reckoned 'among his foibles, he had not the aſſurance directly to 'oppoſe a reduction. No, Sir, during the firſt part of 'his adminiſtration, he always declared himſelf for 'a reduction as ſoon as a favourable opportunity ſhould 'offer. But he always endeavoured to ſhew, that the 'preſent, was not a proper opportunity; and at laſt 'both

[a] DEB. COM. XIV. 44. [b] Ibid. 59.

'both he and his friends gathered assurance enough to tell 'us, that even in times of the most profound tranquilli- 'ty, a greater number of regular troops was, and always 'would be necessary, than that he had so strenuously 'opposed in the year 1717, when there was the highest 'probability of our being soon engaged in a war, both 'with *Sweden* and *Spain*. This, Sir, was the conduct 'of our former minister, with regard to the annual 'question about reducing our army, and this I could 'almost lay a wager will be the conduct held by our 'present ministers, with regard to the bringing in, 'and passing this bill. They cannot directly oppose 'a bill which they have upon former occasions so often 'and so strenuously patronized: but though last ses- 'sion did, yet this session does not, it seems, afford us 'a proper opportunity for applying a remedy to an evil 'which they themselves allow, has brought *Europe*, as 'well as this nation, to the brink of destruction; 'and this I am afraid will be their way of reasoning 'as long as they continue ministers, or at least until 'they become as hardened as their predecessor, which 'they may probably do, if they continue as long in 'power, and then like him they will freely declare, 'that they have actually changed their sentiments, 'and that no such bill ought ever to be passed.'

The corporation of *London* shewed their opinion of the precariousness of the principles of placemen and pensioners, in their remonstrance to the king, *A. D.* 1770. 'The forms of the constitution, like those of 'religion, were not established for the form's sake, but 'for the substance. And we call God and men to 'witness, that, as we do not owe our liberty to those 'nice and subtle distinctions, which pensions, and lu- 'crative employments have invented, so neither will

'we

'we be deprived of it by them: but, as it was gained 'by the ſtern virtue of our anceſtors, by the virtue of 'their deſcendants it ſhall be preſerved [a].'

In 1774, the houſe of repreſentatives of the province of *Maſſachuſets* bay, preſented a petition and remonſtrance to the governor and council, for the removal of *Peter Oliver*, eſq; from the ſuperior court. A court wholly erected and conſtituted by the general aſſembly, which power was granted by the royal charter.

They complain that the ſaid *Peter Oliver* had taken a ſalary and reward from the king, which was contrary to the plain meaning of their charter, and againſt the known conſtitution of that province.

The governor refuſed to comply with their requeſt, as it would be, he ſaid, counteracting his majeſty.

They pray that he would take the advice and aſſiſtance of his majeſty's council on the above petition and remonſtrance, without which advice, he, they ſaid, would act directly contrary to the moſt evident deſign of their charter.

CHAP. III.

That Placemen often hold a plurality of Employments, incompatible with one another.

PLURALITIES in the ſtate, as in the church, may be for the advantage of thoſe, who hold them; but they are certainly a diſadvantage to the public. Let a man's abilities be what they will, he will certainly not fill *ſix* employments at the ſame time, with the ſame ſucceſs as *one*.

Ariſtotle

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[a] CITY'S REMONSTRANCE to the king, *A. D.* 1770.

Ariſtotle blames the *Carthaginians* for giving different public employments to the ſame men. What ſhould we think, ſays he, of a legiſlator, who ſhould order the ſame man to be both a ſhoemaker, and a muſician? Φαυλον δ'αν δοξειεν, κ. τ. λ [a].

The *Guiſes*, when they had power in *France*, in order to gain popularity, made a regulation, that no perſon ſhould hold more than one employment at a time [b].

It was one of the charges againſt *Buckingham*, that he had engroſſed more offices, than could be duly filled by any one man. That, by that means, he had too much power to do miſchief; and too little to do good [c].

When the firſt land-tax was laid on, in the time of *Hen.* IV. it was provided, that no member of parliament ſhould be a collector, comptroller, &c. [d]

The old writ of parliament for the knights, ſays expreſsly; *Nolumus quod tu nec aliquis alius vic' dicti reg' noſtri aliqualiter ſit electus'* [*electi ſitis*, it ſhould be] 'We will, that neither you [the ſheriff, to whom the writ is directed] 'nor any lieutenant of the king's, be by 'any means elected.' Becauſe it was ſuppoſed, in thoſe ſimple times, a man could not be in two places, ſerving his country in two capacities, at the ſame time. We make nothing of a gentleman's being at the ſame time colonel of a regiment warring in *Flanders*, governor of a fort in *North-Britain*, and member of parliament at *Weſtminſter*. The duke of *Shrewſbury* was in king *William*'s time, lord treaſurer, taking care of the king's money; lord chamberlain, taking care of the palace;

[a] *Ariſt.* POLIT. II. 12.
[b] MOD. UNIV. HIST. XXIV. 237.
[c] PARL. HIST. VII. 50.
[d] PARL. HIST. II. 141.

palace; lord lieutenant of *Ireland*, governing that unruly, and (in thoſe days) rebellious country; and an *Engliſh* peer, trying cauſes in the laſt reſort; and voting in the greateſt national concerns [a]. What abilities he muſt have had, to manage ſuch great and widely diſtant affairs, at the ſame time!

A ſoldier goes altogether upon force. A ſenator ought to be as cool as a judge. It is therefore very unlikely, that a good officer ſhould be a proper perſon to make a member of parliament.

Mr. *Wynne*, afterwards Sir *Watkin Williams Wynne*, in the debate on this ſubject, ſhews that placemen and officers are very unfit for being members of parliament. 'The buſineſs of the commons [b], ſays he, is to repreſent 'to his majeſty, the grievances of the people; to inform 'him if any of his miniſters, or officers, makes an ill 'uſe of the power he delegates to them, and to impeach 'and preſent ſuch evil miniſters. Now I would be 'glad to know who are the moſt proper repreſentatives for theſe purpoſes, gentlemen who have large 'properties in the country, who are independent of the 'miniſters and officers of the crown, and who by living in the country, are perfectly acquainted with the 'circumſtances of the people; or gentlemen who for 'their chief ſupport, depend upon the miniſters and 'officers of the crown, who know nothing of thoſe 'they repreſent, and are not only ignorant of their 'true intereſts, but are really indifferent about their 'welfare. I hope it will not be controverted, but 'that the firſt ſort of gentlemen are the moſt proper 'repreſentatives of the people.'

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[a] *Tind.* CONTIN. I. 368.
[b] DEB. COM. VIII. 165.

The brave and free-ſpirited *Fletcher* of *Scotland*, who wrote *A. D.* 1698, ſpeaks of the returning of military men for members, as a thing of a moſt formidable nature, and dangerous tendency [a].

'The gentlemen of the ſword, are not proper repre-
'ſentatives of a people, whoſe civil conſtitution abhors
'ſtanding armies, and cannot ſubſiſt under them. The
'fortunes and expectations of thoſe gentlemen depend
'upon obſerving the word of command; and it is but
'natural, that they ſhould ſupport power, in which
'they are ſharers. It is not to be expected that ever
'they ſhould concur in a vote, or an addreſs, to diſband
'or reduce themſelves, however deſirable or neceſſary
'the ſame may be to us [b].'

'My lord's ſteward is a very honeſt man; but if I
'had an affair to ſettle with my lord, I would chooſe my
'neighbour, for a referee, rather than the ſteward [c].'

Sir *Charles Sedley* obſerves, in his ſpeech, *A. D.* 1699, that there were then 9 commiſſioners of exciſe, 7 of admiralty, 3 of the poſt-office, and 6 of the cuſtoms; and that great part of theſe places muſt be ſuperfluous; but that all were *members* of *parliament*; and that many gentlemen held two offices, while they had ſeats in the houſe [d].

It has been ſaid, it might be dangerous to deprive the greateſt part of thoſe, who hold civil, military, or naval employments, of a ſhare in the legiſlation, leſt they be irritated againſt that inſtitution from which they are excluded. The anſwer to this is very ſimple. Take away the infamous emoluments annexed to a ſeat

[a] *Fletcher*'s WORKS, p. 37.
[b] CATO's LETT. III. 25.
[c] *Bolingbr.* POLIT. TRACTS, 275.
[d] DEB. COM. III. 195.

ſeat in parliament, and you will preſently remove all eagerneſs after ſeats in the houſe. Why ſhould gentlemen want to be in parliament? To have a troubleſome, unprofitable, expenſive office? Do men want to be church-wardens, ſheriffs, &c. Do they drink with clowns, kiſs old women, and expend thouſands in obtaining places, by which there is nothing to be got?

It was an article againſt the earl of *Orford* in king *William*'s time, That he had held ſeveral inconſiſtent offices at the ſame time, by which means he avoided being called to account for his embezzlements [a].

In the time of the late war in *Flanders*, the miniſtry were, on ſome occaſion, likely to be ſo hard preſſed, that they thought it neceſſary to ſend to *Flanders* for ſome officers, who were members (hopeful members, who had not the opportunity, in ſeveral years together, of once ſaying Aye, or No, in St. *Stephen*'s chapel) to vote for the court. Some of them came accordingly. Others the duke of *Cumberland* would not ſuffer to leave the army [b]. This ſhews, that the court looks upon officers as bound to obey the commands of the miniſter, and to vote as ordered by him.

A. D. 1773, the duke of *Leinſter* oppoſed his brother lord *Ch. Fitzgerald*'s being member for *Dublin*, 'becauſe he was an officer in the navy, and therefore 'might by his neceſſary attendance on his naval duty 'be prevented from doing that of a repreſentative [c].'

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[a] Deb. Com. iii. 147.

[b] Gent. Mag. *Aug.* 1747.

[c] See Whiteh. Even. Post, *Dec.* 7, 1773.

CHAP. IV.

Places and Penſions not given according to Merit.

IF the nation is to be plundered, it would be ſome comfort to think that the ſpoil was divided among the deſerving, if it might be ſuppoſed any deſerving perſon would be concerned in plundering his poor indebted country. But it is too notorious, that courts reward according to a different ſyſtem of morals from that which the antient philoſophers, prophets, and apoſtles taught; which makes Dr. *Johnſon*'s definition of the word *penſion* [a] appear but too accurate, viz. 'Pay given to a ſtate-hireling for treaſon to his 'country.'

Ariſtotle [b] obſerves, that it is of great conſequence in a ſtate, that the perſons employed in public buſineſs do poſſeſs not only valuable qualifications in general, but thoſe particular qualifications which are neceſſary for the ſucceſsful diſcharge of their reſpective duties. A man's being honeſt and benevolent, for inſtance, is not enough to recommend him to the office of a commander either by ſea or land, if he is timid, or unſkilful in war; and another's being full of military courage and conduct, is no reaſon why he ſhould be a financier, or a treaſurer. Τρια δε τινα, κ. τ. λ. We conſider very little, whether the man be fit, or unfit, for the place. We conſider chiefly whether the place, that is the ſalary, is fit for him; we conſider what power he has, by parliamenteering, or otherwiſe, to ſupport, or to prejudice, the ſchemes of the court. If he is likely to ſtand

[a] *Johnſon*'s DICT. II. Word PENSION.

[b] POLIT. V. 9.

ſtand in the miniſter's way, we kick him up ſtairs, if not, down.

Ariſtotle obſerves [a], that thoſe who enjoy the *honour* of great offices in the ſtate, may expect to be envied by thoſe who have no ſhare in them. But that if, beſides, they load themſelves and creatures with the *ſpoils* of the public by turning their duty into a mere matter of emolument, they will be doubly hated by their countrymen, who find themſelves excluded from this double advantage.

'*Pendant qu' à Rome*,' &c. 'While at *Rome* [during the firſt *Punic* war] 'the public employments 'were obtained only by merit, and were of no advan-'tage to thoſe who obtained them, but in ſo far as 'they gave a greater opportunity of being uſeful; at '*Carthage* all was venal, and every ſervice done by 'particulars to the public was paid for [b].'

The *Carthaginians* allowed no man to fill any important poſt, unleſs he was poſſeſſed of *property* as well as *merit*. And ſurely, if it were not, that rich men are too commonly admitted to important ſtations merely in virtue of their *wealth*, without regard to merit, the *Carthaginian* regulation (with all due ſubmiſſion to *Ariſtotle*, who blames it) is not amiſs. For power ought certainly, in ſome degree, to be annexed to property. Yet the *Carthaginian* law undoubtedly tended, as the philoſopher obſerves, to exclude merit, which is often poor, to excite avarice, and promote bribery [c].

Before *Tarquin*'s time, nobody ſolicited for a public employment [d]. Among us, all ſorts of profitable em-

[a] POLIT. v. 8.

[b] GRAND. ET DECAD. DES ROM. p. 32.

[c] ANT. UNIV. HIST. XVII. 260. [d] Ibid. XI. 318.

ployments are solicited for (excepting the office of dissenting ministers only.) Every man holds himself duly qualified for the place, so the profits of the place be suitable to his circumstances.

Augustus ordered, that all, who bribed for offices, should be incapacitated for five years [a]. And for prevention of so great an evil, he ordered, that every candidate for an employment should deposit a sum of money to be forfeited, if he was convicted of corruption [b].

Antony advanced to honours and emoluments all his friends and relations [c]. He gained *Lepidus* by making him *pontifex maximus*. So *Walpole* got places or pensions for all, who could claim the most distant relation or connexion with him.

The emperor *Antoninus* deprived many persons of pensions settled on them by *Adrian*; saying, he could not bear to see the state devoured by those who were of no use to it [d].

The emperor *Julian* proposed only to employ men of merit, without paying any regard whatever to recommendation or interest [e].

Constantius used to sell employments, which tempted those who bought them, to oppress the people, in order to indemnify themselves [f].

The antient *Gauls* used to fight for posts and places. If our place-hunters should take to this practice, instead of the present method of obtaining them by selling their country; we should, besides other advantages, get rid of many worthless individuals. Yet the crime of

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[a] Ant. Univ. Hist. xiii. 514. [b] Ibid. 531.
[c] Ibid. xiii. 297. [d] Ibid. xv. 198.
[e] Ibid. xvi. 219. [f] Ibid. xvi. 227.

of ſhedding blood about a place would be the ſame as that of our duelliſts murdering one another about a point of honour, or a wh——.

Abu Beer, *Mohammed*'s ſucceſſor, uſed to reward merit with money. *Omar* gave money only to the neceſſitous. We give, or rather *heap* money upon thoſe, who have neither *merit*, nor *neceſſity* to plead. *Omar* thought, merit was to be *honoured*, not paid.

King *John* III. of *Portugal* rewarded all ſervices himſelf; by which means he knew that they were not over-looked, nor overpaid. He rewarded moderately; for the approbation of a wiſe and good king, who ſaw with his own eyes, was to be reckoned up as a prodigious enhancement of a moderate reward. He commonly made an apology, for that he had many to be bountiful to; which ſhewed, that he was well ſerved. He created no new employments on purpoſe to gratify a ſet of court blood-ſuckers. He did not heap ſeveral employments upon the ſame perſons. For he ſaid, One public poſt, and a man's private concerns were buſineſs enough for any one man [a].

The barbarous *Abyſſinians* have a better notion of encouraging merit, than the civilized *Engliſh*. They do not allow a youth to cut his hair in the manly form, till he has done ſome feat of valour, and his honours increaſe according to his behaviour [b].

The *Dutch Eaſt-India* Company do not prefer according to ſeniority merely, but according to merit [c].

Cardinal *Ximenes* was very curious in enquiring into the characters and abilities of thoſe, to whom he gave employments [d].

[a] Mod. Univ. Hist. xxii. 237. [b] Ibid. xv. 44.
[c] Ibid. x. 565. [d] Ibid. xxi. 214.

Cath. of *Medicis*, the mother of the *Parisian* massacre of diabolical memory, introduced into *France* the practice of selling court-places, and of mortgaging the revenues for ready money [a].

How mean does lord *Bacon* appear in his letter to *James* I [b]. in which he sings his own praises, and labours to shew himself fitter for the place of chancellor, than the great and good lord chief justice *Coke*, or lord *Hobart*.

Dr. *Pinto*, who first set on the revolution in favour of *Portuguese* liberty and the duke of *Braganza*, was never advanced by him, never envied, nor looked upon as a favourite. But he had what he wanted, the king's private friendship and esteem [c]. How much disgust and contention had been avoided, had a certain noble earl of our times, very useful [d] in conducting the education of one, who was made for a good king, contented himself with being the king's *learned* friend, a station for which he was very fit, and had never aspired

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[a] *Volt.* Ess. sur l'Hist. iii. 364.

[b] Lord *Bacon*'s Lett. p. 85.

[c] Mod. Univ. Hist. xxii. 312.

[d] Of this I was repeatedly informed by the late excellent Dr. *Hales*, who professed himself a great admirer of that nobleman's abilities and dispositions; and I willingly lay hold of the opportunity of writing somewhat in *favour* of one, *against* whom so much has been so rashly thrown out. For I would be the defender (as far as lies within my reach) of those whom I see blamed beyond their demerits.

Non tibi Tyndaridis facies invisa Lacænæ,
Culpatusve Paris—Divôm inclementia, divôm
Has evertit opes—— Virg.

It is not lord *B*—, but lord *Corruption*, that has brought the *British* empire to the condition, in which we see it.

aſpired to that of a *ſtateſman* and *treaty-maker*, for which he was very unfit!

One *Cunningham* was made governor of *Jamaica* for ſaving *Walpole's* bones, when attacked by the *London* mob, on account of his exciſe ſcheme[a]. 'A man 'totally *unqualified* either by abilities or experience, 'and who owed his preferment entirely to the partiality 'of the *miniſter*.' He died ſix weeks after his arrival of a fever contracted at an entertainment, being habitually intemperate.

While worthleſs puſhing men obtain rewards for ſmall ſervices, often for cruel injuries, done their country, modeſt merit declines its deſerved recompence.

Piſo, the conqueror of the formidable inſurrection of the ſlaves, modeſtly declined a triumph on the occaſion.

Cicero, for ſaving the commonwealth from the fury of *Catiline*, was rewarded and ſatisfied with only a *corona civica*, that is, a wiſp of hay put round his head. He had neither floating, nor fixed penſion. Yet *Cicero*'s times were not the ſimple ages.

The moderation of Sir *Henry Vane* was truly admirable. Finding, that, as treaſurer of the navy, his income, at the low rate of 4*d.* in the pound commiſſion, amounted, in the *Dutch* war, to 30,000*l.* a year, he ſaid, it was a ſhameful robbery of the public, and deſired to give up his patent, which he had received from the late king for life, and to have, inſtead of it, for an agent he had brought up to the buſineſs, a ſalary of 2000*l.* a year. Several of our blood-ſuckers, I mean commiſſaries, in the late *German* war, got from 50,000*l.* to 500,000*l.* and have never ſhewn any compunction on account of robbing the public.

[a] MOD. UNIV. HIST. XLI. 409.

Gratuities were given to ſufferers in the troubles under *Ch.* I. 5000*l.* offered Mr. *Hollis*, were refuſed by him. 10,000*l.* were given Mr. *Vaſſall* for the damages he ſuffered in oppoſing ſhip-money; and 5000*l.* to Mr. *Hampden* on the ſame account [a]. In this way the public ought to have compenſated a popular gentleman for his late ſufferings by miniſterial oppreſſion, and the truly laudable ſtand he made againſt a tyrannical court, by which the public is benefited, and therefore ought to ſhew its gratitude; but not by puſhing a man into the ſtation of a legiſlator, who ſo far from being qualified according to law, was at that very time collecting money to pay his debts; not by forcing into the office of a magiſtrate, a man, whoſe private conduct was notoriouſly obnoxious to the magiſtrate's juſt cenſure. But this by the by.

Dr. *Walker*, who defended *Londonderry* againſt *Jam.* II. and his popiſh army, when thoſe, whoſe duty it was, deſerted the place, was rewarded with the thanks of the commons. We do not hear of any money given him [b].

William Sacheverell was offered by the king the place of one of the commiſſioners of the admiralty. He refuſed, ſaying, 'He would not accept the ſalary, be-'cauſe he did not underſtand ſea affairs [c].'

A bill was ordered in *A. D.* 1653, making thoſe perſons incapable of holding places who ſhould ſolicit for them. A bill was propoſed, *A. D.* 1692, againſt buying and ſelling offices [d]. It was found after the revolution, that there had been a moſt ſhameful ſelling of places under *James* II. A committee was therefore appointed

[a] PARL. HIST. XV. 278.
[b] DEB. COM. II. 360.
[c] *Tind.* CONTIN. I. 41. [d] Ibid. 193.

appointed to enquire into it, and a bill to prevent the like for the future [a]. The commiſſioners for public accounts found, *A. D.* 1713, that one *Hutchinſon* had paid 1000*l.* for the office of regiſter of ſeizures to the earl of *Wharton*. 'Reſolved, That giving or taking 'money for procuring offices relating to the manage-'ment of the public revenue is a ſcandalous corruption, 'and highly detrimental to the public.' But the offence having been committed before the queen's pardon was publiſhed, the houſe proceeded no farther in the matter [b].

To ſuffer the buying and ſelling of places is one of the moſt effectual methods that can be invented for plucking up by the roots out of the minds of the people all emulation, or deſire of excelling in any thing either uſeful or ornamental to a country. If I know, that 5000*l.* properly diſtributed will procure me a place of 500*l.* a year, and that unleſs I carry in my hand the neceſſary douceur, I may in vain ſolicit, and employ friends to ſolicit for me, though they could with truth affirm, that I poſſeſſed every accompliſhment that enriches the human mind; if I know all this, what am I naturally led to, but to endeavour by all poſſible means to get the neceſſary 5000*l.* not to loſe time in acquiring a ſet of unprofitable accompliſhments. Thus a deadly damp is ſtruck to all laudable ambition in a people; and an endleſs avidity after ſordid riches excited. The nobleſt diſpoſition is checked, and in its place the baſeſt encouraged. Our ſtate-gardeners cultivate the weeds, and pluck up the uſeful plants.

Purchaſing of places tempts the purchaſers to extort from the people exorbitant perquiſites in order to re-

[a] Deb. Com. ii. 334. [b] Ibid. v. 12.

imburſe themſelves. And then the buſineſs comes to be, not how to perform the duties of the place in the moſt faithful and effectual manner, but how to make the moſt of it.

By 12 *Edw.* IV. and 5 *Edw.* VI. any perſon, giving money, or reward of any kind, for any office, which, in any way, toucheth the adminiſtration of juſtice, the keeping of towns, or caſtles, &c. is diſqualified for holding ſuch place [a].

There was a difficulty about the officers of the court of wards, if the bill aboliſhing it ſhould paſs, becauſe they muſt loſe their places. One ſaid they ought to have nothing, becauſe they had bought their places contrary to law. There was no proviſion for them [b]. This is the very argument in our times, for keeping up a multitude of burdenſome places; that the annihilating them would ruin innumerable families. But it is a very frivolous pretence, becauſe they may be put upon half-pay, with a proviſion for widows, and then to be aboliſhed; inſtead of which, we are continually multiplying them.

Cardinal *Richelieu*, in his TESTAM. POLIT. (which the Abbé de *S. Pierre* thinks the greateſt political work ever publiſhed before his times) condemns all buying and ſelling of places; becauſe it leads the ſubjects not to emulate one another in merit, but in riches [c].

The Abbé de *S. Pierre*'s propoſal, of chooſing by ſcrutiny to all places of power and truſt, would make the office of a prime miniſter, a ſecretary of ſtate, &c. much eaſier, and leſs expoſed to envy, and animoſity. For, if a candidate's companions in office did not recommend

[a] PARL. HIST. VII. 54.
[b] PARL. HIST. XXIII. 61.
[c] *S. Pierre*, OUVR. POLIT. XVI. 20.

commend him, there could be no reflection made upon the miniſter, if he was not advanced. *Walpole* was always ſorry, when a place fell vacant. By filling it, he gained one friend, and 20 enemies; any one of which could injure him, more than the perſon advanced could ſerve him. When men are gratified without merit, they are not ſo eaſily ſatisfied, as when they are rewarded in ſome proportion to their deſervings. For this very proportion will in ſome degree regulate their expectations. Whereas thoſe, who obtain what they have in no degree deſerved, are led to form imaginary pretenſions to unknown merits, without all bounds.

The Abbé *S. Pierre* thinks the *French* cuſtom of making the great offices of the ſtate, and even the deſcent of titles and honours, hereditary, hurtful and inconſiſtent with ſound policy. All honours and powers (except, for plain reaſons, the regal) ought to be perſonal only, and to be given to no individuals, but ſuch as, upon ſcrutiny, were found to be men of ſuch diſtinguiſhed worth, as to deſerve to be raiſed to diſtinguiſhed places, though ſprung of mean parents[a]. Suppoſe the ſilly ſon and heir of a truly great man, who had, by his conduct, raiſed himſelf to the rank of a duke, to have 500 *l.* a year ſettled on him out of the eſtate, would not that be ſufficiently rewarding him for all the merit he has, in taking care to be the ſon of a duke? And would not this policy give greater ſcope for laudable ambition, than our preſent, which inſures the moſt worthleſs and moſt uncultivated blockhead of a dukedom, and a ſeat in the houſe of peers, if he happens to be born by a ducheſs, whoever may have begot him? The eldeſt ſon of the archbiſhop of *Canterbury*, (who

[a] Ouvr. Polit. ix. 100, *et paſ.*

(who ranks above the firſt duke in *England)* is only *John*, or *Thomas* ſuch-a-one, eſq. Yet the ſon of an archbiſhop, has as good a natural claim to be an archbiſhop, as the ſon of a duke, to be a duke.

Kings, and king's favourites often read their ſin (in this as in other reſpects) in their puniſhment. If they will employ unqualified perſons, their buſineſs will be done accordingly. The great *Dutch Naſſau* fleet, fitted out by prince *Maurice* againſt the *Spaniards* in *America*, and officer'd according to the court intereſt, did nothing. A fleet of ſhips fitted out at private expence, and officer'd according to merit, did great feats [a]. The *French* affirm, that their diſgraces in the laſt war, were occaſioned by madam *Pompadour*'s filling all the great poſts in their fleet and army, with her creatures, and thoſe who gained her intereſt by money.

That the merit chiefly regarded in our times, is the merit of ſeconding the views of the court, and that the greateſt demerit, according to our modern way of eſtimating demerit, is oppoſing court meaſures; appears from the court's late proceedings againſt my incomparable friend, the great Dr. *Franklin*, whom they have deprived of his place of deputy poſt-maſter of *North America*, which place he himſelf improved from being a burthen upon the government, to its bringing in a revenue of ſeveral thouſands a year;—all becauſe that faithful truſtee would not ſit ſilent, and ſee his conſtituents betrayed.

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[a] Mod. Univ. Hist. xi. 463.

CHAP. V.

Profuſion in Places and Penſions.

IT is not a little to the diſgrace of human nature, that in any age, or in any country, any member of ſociety ſhould require to be paid, like a hireling, for ſerving his country. Every ſtate is a great family. The king is, or ſhould be, the father of it; the grandees, the elder brothers; and the people the younger children. But what ſhould we think of a family, of which we ſaw the head, and the elder brothers, plundering the younger children of their portions, and reducing them to a ſtarving condition; inſiſting that themſelves ought to be ſupported in their grandeur, and recompenſed for taking upon them the charge of domeſtic affairs, in ſuch an exorbitant manner, as the younger part of the family could by no means ſupport. If this head of a family, or theſe grandees, ſhould demand a recompenſe for ſervices done to a *neighbouring* family, we ſhould not ſo much wonder or blame them for a ſordid diſpoſition. When the people of *Poland* wanted to have our celebrated Sir *Philip Sidney* for their king, it had been no matter of wonder, if he had required an ample civil liſt revenue, as a recompenſe for the innumerable diſguſts and fatigues of the regal ſtation, or that, like the *German* generals whom we have employed in our continental wars, he had been leſs ſparing of the purſes of the *Poliſh* people. If we were to do the *Dutch* any material ſervice, it might be expected, that we ſhould demand a proper compenſation; but that *Engliſhmen* ſhould heſitate about ſerving *Engliſhmen*, that a lord, who has no neceſſary buſineſs

to fatigue him, but drinking, whoring, maſquerading, and *New-marketing*, ſhould grudge a few hours in a week to ſerve his country, unleſs his country will recompence him ten thouſand times above the worth of his ſervice,—this gives a ſhocking idea of the ſordid diſpoſition of the grandees of modern times. At the ſame time the public ought not to be, and hardly ever is, ungrateful. But public rewards ought rather to be honorary, than pecuniary, and if they muſt be of the latter ſort, they ought to be frugal, not profuſe; elſe they do more miſchief than good.

The ſalaries annexed to thoſe places, the holders of which do *real* ſervice to their country, naturally lead people to a very wrong way of thinking, *viz.* That we are not obliged to ſerve our country, unleſs we be *paid* for our ſervice. Whereas, the truth is, that ſerving our country to the utmoſt of our power, is (like obedience to parents, providing for our wives and children, and worſhipping God) our indiſpenſable duty, *previouſly* to any *emolument* we may expect on that account. See Mr. *Southwel*'s ſpeech below.

As for the holders of ſinecures, and thoſe men who receive annual penſions for nothing, they may be compared to *Pluto*'s three-headed maſtiff, *Cerberus*, who gobbled up the ſop thrown to him by the *Sibyl*, and immediately ſtretched out his hairy bulk in his kennel, and fell a ſnoring.

> *Cerberus* hæc ingens latratu regna trifauci
> Perſonat, adverſo recubans immanis in antro.
> Cui vates, horrere videns jam colla colubris,
> Melle ſoporatam et medicatis frugibus offam
> Objicit; ille fame rabidâ tria guttura pandens
> Corripit objectam, atque immania terga reſolvit
> Fuſus humi, totoque ingens extenditur antro. VIRG.

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The quoting of this paſſage from the famous ſixth book of the *Eneid* inflames me with a deſire to diſplay a portion of the ſpirit of our learned biſhop who has found in it a myſtical ſenſe, which nobody ever dreamed of before his DIVINE LEGATION, nor ſince. Were my genius brightened with a ſpark of his fire, I ſhould ſhew (with no leſs ſucceſs, than he has had in proving *Moſes*'s divine commiſſion by what will equally eſtabliſh *Lycurgus*'s, *viz.* his deſigned neglect of the mention of future rewards and puniſhments, and with no leſs ſucceſs than he has had in eſtabliſhing the alliance between the two things in the world which ought the moſt carefully to be kept ſeparate, *viz.* the ſtate and the church)—were my mind, I ſay, tinctured with the true *Warburtonian* ſpirit of criticiſm, I ſhould ſhew that by the ſleeping maſtiff *Virgil* intended to point out an idle hanger on at court; by *Vates*, (the old propheteſs, as *lucus a non lucendo*) the prime miniſter, as ſtateſmen are leſs remarkable for their prophetical ſagacity, than for their reſemblance to old women; by the ſnakes on *Cerberus*'s neck briſtling up at the approach of the *Sibyl* and the hero, I would ſhew, that the poet meant the ſpeechifying, and oppoſition made by the place-hunter. Being got ſo far as this, the *offa*, or ſop, compoſed of honey, &c. would ſpontaneouſly explain itſelf into the place, and its *douceurs*. The dog's opening *three* throats to ſwallow *one* morſel, does moſt beautifully ſet forth the diſproportion between a placeman's voracity and the richeſt income the miniſter can afford to give him. In this manner would I attempt to imitate, *non paſſibus æquis*, this great diſcoverer of ſecret meanings, who has left us one thing to regret, among ſo many things to admire, *viz.* That he has taken ſo much pains to find ſenſes

where no body was at a loſs, *viz.* in the *Eneid*, and has declined pointing out ſenſe, where no body has been able to find any, I mean, in the XXXIX ARTICLES, the CREEDS, and the HOMILIES, which he has ſubſcribed, and therefore muſt underſtand. But to return to our ſubject, the profuſion in places and penſions.

Lord *Moleſworth* thinks, the ſervants of the crown ſhould be paid by appointment of parliament. It may be ſaid, all monies expended are ſubject to parliamentary enquiry. But there is a very great difference between appropriating beforehand, and finding fault afterwards, when the money is ſpent, and all that can be done is paſſing a vote. And even that is not to be expected, if our parliaments, inſtead of checks, are to be ſharers in the plunder.

'A king, as ſuch, ought not, of all men, to grant 'bounties; becauſe what he grants is not out of his '*own*, but the property of *others* [a].' All that a king is, and all that he has as king, is on account of the *public*, whoſe ſervant (to uſe king *Jam.* Iſt's expreſſion) he is. Therefore, whatever he gives to his wh——, or his minion, is a *robbery* of the public, becauſe his wh—, or his minion, are of no advantage to the public, and have not earned any part of the public money; but on the contrary, deſerve the ſtrapado, or the gallows. And whatever a king gives, or ſuffers his miniſters to give, to the undeſerving, or what they give too profuſely to the deſerving, is a robbery of the public. A king's income is not as a gentleman's rent, a private fund at his diſpoſal. For a kingdom is not a private eſtate; but a truſt for which the holder is accountable to his people. And

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[a] *St. Pierre*, VI. 54.

wo to thoſe kings and miniſters, who betray ſo awful a truſt. A king is to diſpenſe, not to ſpend the public money. There are many perſons neceſſarily to be employed in a ſtate. Them the king is to pay. How then (ſays *St. Pierre* [a]) can he have bounties to grant? unleſs he robs ſome of thoſe who ſerve the public? Every guinea he gives to one, who has *not deſerved* it, or who has not deſerved it *all*, is ſo much kept back from one, who has deſerved it, or would, if he had not been diſcouraged by ſeeing a traiterous king or miniſtry embezzling the public money, by throwing it away on the worthleſs, to the injury of the deſerving. A king, as a gentleman, and out of his official and accountable character, may beſtow upon his lawful pleaſures, or upon thoſe who have ſerved his lawful private intereſts, more than a duke may lay out; but not more than *two* dukes may ſpend. If he lays out the public money, or ſuffers his crew to lay it out, in bribing villains to betray liberty, I have only to ſay, *I lictor, deliga ad palum, virgis cædito, caput obnubito, infelici arbori ſuſpendito.*

Our courtiers find the parliament too ready to give. Therefore, according to the common ſaying, 'Lightly come, lightly gone,' they care not how they diſſipate their ill gotten riches. *Ch.* VII. of *France*, a prince of an excellent character, was, at his acceſſion, ſo low in both caſh and credit, that he had not ready money to pay for a pair of boots, that were brought him; and the maker, not caring to truſt his poor majeſty, carried them away. This narrowneſs of circumſtances gave that wiſe and good prince a handle to retrench unneceſſary expences, and ſet

[a] VI. 55.

ſet out on a foot of great frugality, which he continued after his finances were more flouriſhing [a].

The enormous emoluments annexed to our great offices of the ſtate, are big with every evil. They render the ſincerity of real patriots ſuſpected, and expoſe the adminiſtration to the certain execration of the people, who, by this means, are often reduced to an uncertainty whom to truſt. Penſions and places are rightly beſtowed in very few inſtances. They are a diſgrace to men of family and fortune, be their ſervices to their country what they will. For penſioning ſuch men is making them appear to the public not noble, not generous, not magnanimous; but greedy, ſordid hirelings. A penſion may perhaps be rightly given to an ingenious, but poor man, to ſupport him in his purſuit of arts, ſcience, manufactures, commerce, or whatever may be for the public advantage. But care ought to be taken, that he be not over-fed, and by that means become lazy.

There is no magnanimity without ſome degree of ſelf-denial. But what ſelf-denial do our nobility and gentry ſhew, when they ſcramble for the profitable places, and will not ſerve their country, unleſs they be overpaid immenſely beyond the worth of their ſervices? If a nobleman has in his mind nothing more noble, or diſintereſted, than an artizan or a plough-driver, what claim has he to more reſpect than they would have, if they had as much money in their pockets, or as much lace on their waiſtcoats, as he has?

If the nobility were to ſerve their country in the great offices of the ſtate gratis, the heroiſm would be nothing

[a] Mod. Univ. Hist. xxiv. 45.

nothing more than is ſhewn by private truſtees, arbitrators, church-wardens, overſeers of the poor, and other pariſh-officers. Are thoſe poor low-bred creatures, whom our polite courtiers call the ſcum of the earth, more diſintereſted than the nobility of the land?

By 43 *Eliz.* any perſon elected overſeer of the poor, and refuſing to do the duty, is puniſhable, though he has no reward for doing the duty. Why ſhould not all public offices be filled in this manner[a]? If it be alledged that this would be troubleſome, and fall heavy upon the nobility, let them take the offices by rotation.

Even in the law ſome things are appointed to be done gratis[b]. It is hard, that our nobility ſhould be loth to do for their country what the lawyers (a ſordid enough ſet of men) do every day.

If the nobility and gentry declined ſerving their country in the great offices of the ſtate, without ſordid hire, let the honeſt bourgeoiſie be employed. They will think themſelves ſufficiently rewarded by the honour done them.

Why ſhould not our kings, when a court-place falls vacant, publiſh, that they want a ſecretary of ſtate, or a lord chamberlain, or a lord ſteward; places which any man of common ſenſe and common honeſty can fill; the public buſineſs being all a mere routine. And why ſhould they not order all perſons deſirous of the vacant employment to ſend in their propoſals ſealed (as when there is a fleet to victual, or a public work to be done) and accept him, who offers to ſerve his country on the moſt reaſonable terms? Let

[a] Stat. at Large, ii. 318.
[b] *Blackſt.* Comm. iii. 128.

the perſon choſen, bring in his bill of expences. There is no reaſon why the public ſhould not repay what is fairly laid out for the public benefit. If it be thought proper to give a ſtateſman, who has ſhewn himſelf able and honeſt, five hundred guineas for a ring, as was given the brave admiral *Drake* for ſervices of greater danger and more importance, than thoſe of fifty ſtate-ſecretaries, I have no objection. But that half our nobility ſhould be upon the pariſh, I mean, upon the public, I own I ſee no manner of reaſon; nor that a ſet of places, which might be filled at the expence of a few hundreds a year, muſt coſt the nation many hundred thouſands, while we are ſinking in a bottomleſs ſea of debt.

The grand *Turk*, when he thinks a wazir, an aga, a teſtardar, a paſha, &c. has, by oppreſſion, ſpunged up a good deal of money in his ſervice, ſqueezes him till he has reduced him to his former condition, which often helps up the ſultan's exhauſted treaſure. If we were to introduce ſuch a cuſtom as this in *England*, the ſqueezings of a thouſand or two of our over-drenched court-ſpunges, might do ſomewhat toward preventing the dreaded neceſſity of applying a ſpunge to our public debts.

It is commonly reckoned, that five or ſix of our places or penſions are equal in their annual amount to all that is paid in the three provinces of *Holland*, *Zealand*, and *Overyſſel*, to placemen and penſioners. The burgomaſter of a great town has perhaps 20 *l.* a year ſalary. The deputies or members of parliament have 200 *l.* a year. One happy conſequence is, that there is 'little aſpiring to preferment in the 'ſtate, becauſe there is little to be got that way [a].'

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[a] *Burn.* HIST. OWN TIMES, I. 290.

No ſervant of the *Dutch Eaſt India* company has ſo mean an appointment, as to be pinched, nor ſo affluent, as to be above his buſineſs [a].

Aſk the courtiers, what produces the preſent clamours, and all clamours againſt government, which is always immaculate. They will anſwer, The deſire of places and preferments. Which may be partly true. But why then do they not *reduce* the incomes of the places as low as in *Holland?* Why do they not *aboliſh* all that are uſeleſs? They do the very contrary. They are continually increaſing the number, if not the value of them. They are conſtantly heaping on fewel, and then they ſwear and blaſpheme, becauſe the fire continues to rage.

'I may ſuppoſe,' (ſays Mr. *Southwel* in his ſpeech on a motion for a deduction from ſalaries during the continuance of a war) 'that our ſalaries and penſions 'above 50 *l.* a year, amount to at leaſt a million ſterling. 'If I ſaid two, I believe I ſhould not be miſtaken,' &c. If our placemen and penſioners conſume 2,000,000 *l.* a year of the public income, they ſwallow up at once the whole land-tax at four ſhillings in the pound.

Mr. *Pelham*, brother to the duke of *Newcaſtle*, uſed to ſay, he grudged the *great* incomes enjoyed by the *great* placemen; for that the *buſineſs* of the nation was done by the *clerks* in the offices, who have but 50 l. a year, even as the buſineſs of the church is not done by the *biſhops* and *deans*, but by the curates of 20 *l.* and 30 *l. per annum.*

Immediately after the treaty with *Portugal*, which ſettled *Ferdinand* and *Iſabella* on the throne of *Spain*, the deputies from the cities inſiſted on a repeal of

[a] Mod. Univ. Hist. x. 561.

grants made by *Hen.* IV. of crown lands (among other particulars, *Gibraltar* was granted to the duke of *Medina Sidonia)* and of penſions out of the revenues. They gave orders accordingly, and ſuch reforms were made, that 30 millions of maravedis aroſe annually from the ſavings [a].

The whole revenue given by the *Poles* for the ſupport of their king's royal dignity, does not exceed 100,000 *l.* a year [b]. Five or ſix of our courtiers devour as much annually; for which they do nothing, but what were better let alone, as buying votes, and miſ-governing the public affairs.

In the kingdom of *Siam*, the great officers of the ſtate have no ſalaries. Therefore there can be no ſcrambling. But there is great injuſtice in the courts of law, becauſe the judges have it in their power to enrich themſelves by extortion [c].

The governor of the *Dutch Eaſt-India* Company at *Batavia* is employed from day-break till night in the buſineſs of his office, ſo that he can hardly allow himſelf half an hour for dinner [d]. Our tinſelled placemen we

——ſtretch on the rack of a too eaſy chair,
And hear their everlaſting yawn confeſs
The pains and penalties of idleneſs. *Pope.*

Pope *Sixtus* V. cut off at once an expence of 600,000 *l. per annum*, which it coſt the apoſtolic chamber before his time in penſions and gratuities.

When the *Spaniſh* finances were low, *A. D.* 1608, and the miniſtry would not retrench the ſums laid out on ſpies and penſioners, the nation was offended, and the

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[a] Mod. Univ. Hist. xxi. 161, 192.
[b] Ibid. xxxiv. 10. [c] Ibid. vii. 263.
[d] *Janiçon*, Etat Pres. des Prov. Unies, i. 360.

the hiſtorians have handed down to poſterity their infamy [a]. Let our poſterity likewiſe read, for the honour of our miniſters, that toward the end of the eighteenth century, when the public debt was greater than had ever been known, there was at the ſame time more penſioning, than ever was known.

'With a laudable frugality, they' [the *Spaniards*, in the year 1739, when *Britain* declared war againſt them] 'retrenched all their extravagant penſions and 'ſalaries, and reduced their expences in all the depart-'ments of their government [b].' The *Spaniards* grew wiſer, at laſt, than they were at firſt. Let us ſee, whether the *Engliſh* will go and do likewiſe.

Alphonſus V. of *Arragon*, ſurnamed the Wiſe, put off an extravagant, greedy courtier, who was always aſking ſomewhat, by telling him, That a king, who thinks to ſatisfy his ſpendthrift courtiers, employs himſelf in a manner as fruitleſs, as he who ſhould think to fill a hogſhead, which had holes in its bottom. He may impoveriſh himſelf, but will never enrich them.

When *Hen.* III. complained, that his revenues were hardly ſufficient, *ad ſimplicem victum*, &c. for victuals, clothing, and the accuſtomed charities, much leſs for warlike expeditions; his counſellors faithfully told him, his poverty was occaſioned by his giving ſo much away. The king took the hint; called many to account, and made them refund [c]. We give our miniſters half a million on demand, to make good the pretended deficiencies of the civil liſt, without ſo much as aſking how there comes to be a deficiency,

[a] Mod. Univ. Hist. xxi. 336.
[b] *Tind.* Contin. viii. 425.
[c] *Brady*, ii. 549.

much leſs calling any body to account, or making any one refund.

'The counſellors, and all officers, both great and 'ſmall, (in the time of *Hen.* III.) were to ſwear, at 'their creation, that they would, to the utmoſt of 'their power, execute their offices, without any other 'reward than *meat* and *drink*[a].' Many a great place-man in our times has, from 500 *l.* to 5000 *l.* a year. If a miniſter, in our times, takes this oath, and if he calls 5000 *l.* a year *meat* and *drink*, he muſt have a very hearty appetite, or a very nice palate; for, even in theſe dear times, a man may have for 50 *l.* a year, as much mutton and ſmall beer (and there is no better *meat* and *drink* than mutton and ſmall beer) as any Chriſtian can decently conſume. But it will be anſwered, Our ſtateſmen do not take this œconomical oath. Upon which our ſtateſmen will perhaps give me leave to obſerve, or, if they do not, I will make the obſervation without their leave, *viz.* That we have as much occaſion for parſimony, as our anceſtors in the time of *Hen.* III. The public debt was never in thoſe times ſo high as one million, whereas we have ſeen the nation indebted to the value of 140 millions.

All the incomes of the government-places in *Elizabeth*'s reign, amounted to only 18,000 *l.* a year. 1 *Ch.* I. they were computed at 120,000 *l.* a year[b]. In thoſe days, the navy and army coſt but little. In our times, it is computed, that the government has the diſpoſal of 2 or three millions *per annum*, taking in the navy, the army, and the church: of which the firſt is our ſtrength, and our glory, and therefore we can hardly cheriſh, and maintain it too nobly; the ſecond is

[a] *Brady*, II. 644.

[b] PARL. HIST. VI. 367.

is worſe than uſeleſs; for it is dangerous to liberty, as every officer is a court-place-man, and as the army is the neceſſary and natural inſtrument of tyranny; as for the third; the mere *expence* it coſts the nation, is hardly an object of conſequence enough to alarm. Of which more in the ſequel.

The yearly ſalary of the lord high treaſurer of *England* in the time of *Hen.* III. was 100 marks. *Harley*, in queen *Anne*'s time, ſaid, a lord high treaſurer of *England*, if he were indifferent which of the two places he went to in the next world, might get 5,000 *l.* 10,000 *l.* 50,000 *l.* or what he pleaſed by his place [a]. Lord *Bacon* writes to king *Jam.* I. that the place of attorney general was honeſtly worth 6000 *l.* a year [b]. 'The lord high treaſurer *Middleſex*, in the time of '*Jam.* I. declared, that the gains of that office had 'been 8000 *l. per annum*, nay more than he could well 'tell [c].' In the time of *Hen.* IV. the profits of the hanaper in chancery were only 2000 *l.* a year [d]. The earl of *Wiltſhire*, father to queen *Anne Boleyn*, had 20 ſhillings a day, as lord privy ſeal [e].

Queen *Elizabeth* enriched none of her favourites at the expence of her people. She pretended, that her people were her only favourites. She had ſenſe enough to obſerve a ſpirit of liberty riſing, and humoured it prudently. *Jam.* I. and *Ch.* I. had not the ſagacity to imitate her.

Parliament grants a large ſubſidy, *A. D.* 1606, which enabled *James* to gratify his favourites, (his great joy) 'out of the money granted by parliament [f].'

[a] *Rapin*, 1. 387.
[b] Lord *Bacon*'s LETT. p. 84.
[c] PARL. HIST. VI. 326. [d] Ibid. II. 80.
[e] *Anderſ.* HIST. COMM. I. 366.
[f] *Rapin*, II. 172.

In this, *James* acted upon principles directly contrary to thoſe of *Elizabeth*.

Elizabeth's wiſdom kept her fleet and forts always in good order. Her frugality diſpleaſed her avaricious courtiers; but pleaſed her people. She bore great national expences with the ordinary revenues, and helped her neighbours; which her predeceſſors had never done. Moſt of them beggared themſelves by gorging a few greedy courtiers. She 'diſcharged all 'the great expences of government, (which muſt be 'great, conſidering the number of enemies around her) 'out of the crown revenue, for ſhe did not laviſh her 'money upon the court-leeches like her predeceſſors[a];' [and her ſucceſſors, *Rapin* might have added.]

The penſions of 4*l.* per week (ſettled on about 70 members of the commons during the civil war, becauſe their eſtates were ſequeſtrated by the king [*Ch.* I.], or did not yield a ſubſiſtance) were afterwards taken off to relieve the public[b]. Compare this integrity and diſintereſtedneſs with our monſtrous profuſion in places and penſions needleſsly beſtowed on the worthleſs tools of the court, and kept up from year to year, from father to ſon, while the nation is ſinking under a load of debt.

The queen ſends a meſſage, *A. D.* 1702, to the commons, That in reward of *Marlborough*'s ſervices, ſhe had made him a duke, and given him 5000*l.* a year during her life, out of the poſt-houſe revenue, and wiſhes the houſe would think of means for continuing to him and his heirs, the penſion, as well as the title. The whole houſe were ſtruck dumb. The ſpeaker ſtood up to ſee if any body would ſpeak to the queen's pro-

[a] *Rapin*, II. 65.

[b] PARL. HIST. XV. 59.

propoſal. At laſt a member opened. The debate ran very high, and it is ſaid that an old member ſpoke thus: 'Though I have accepted an employment at 'court, I did not do it with the deſign that my mouth 'ſhould be ſhut in this houſe, when any thing is 'offered that I think detrimental to my country.' The houſe ſent an addreſs to the queen, in which, after approving the eſteem ſhe had expreſſed for the duke of *Marlborough*, they beg leave to lay before her the conſequences of making a precedent for future alienations of the revenue of the crown, which had been much reduced by the exorbitant grants of the laſt reign, &c. [a] The commons in thoſe days heſitated about ſettling a penſion on a hero, whoſe actions will be celebrated as long as the world ſtands. We make it a rule to penſion every man we employ, deſerving and worthleſs. Becauſe a ſcoundrel has received 5000 *l.* a year for many years, for doing the buſineſs of a place, in which there is no buſineſs to do (that is, in plain *Engliſh*, 5000 *l.* a year for pocketing 20,000 *l.* a year) therefore we are to ſettle 2 or 3000 *l.* a year on him for life, after he has reſigned his ſinecure; and perhaps continue the ſame to his booby ſon after him, while thouſands of our people are flying, for want of bread, to *America*, and the nation in continual danger of bankruptcy.

Inſtead of the challenge [b], Whoſe ox, or whoſe aſs, has the king [or the miniſter] taken; we may aſk the crew, Whoſe farthing candle, or whoſe draught of ſmall beer, have they not taxed? A poor hard-working man, who has a wife and ſix children to maintain, can

[a] DEB. COM. III. 210. *Find.* CONTIN. I. 577.

[b] 2 *Sam.* XII. 3.

can neither enjoy the glorious light of Heaven, nor the glimmering of a tallow taper, without paying the window tax and the candle tax. He riſes early, and ſits up late; he fills up the whole day with ſevere labour; he goes to his flock-bed with half a belly full of bread and cheeſe, denying the call of natural appetite, that his wife and little ſtarvelings may have the more. In the mean while the exactors of theſe taxes are revelling at Mrs. *Cornelly*'s maſquerade, at the expence of more money for one evening's amuſement, than the wretched hard-working man (who is obliged to find the money for them to ſquander) can earn by half a year's ſevere labour.

Thyſius aſcribes the continuance of the *Athenian* ſtate, to their ſtrict obſervance of the laws; their ſevere puniſhments for bribery, which was always capital; and their ſeverity againſt offending magiſtrates [a].

Noble was the anſwer of *Curius Dentatus* to the *Samnite* embaſſadors, when they offered him as a bribe a large quantity of plate: they found him ſitting on a wooden bench by the fire, cooking his victuals. He rejected their preſent with diſdain, and ſaid, My poverty [b] inſpires you with hopes of corrupting me, but your attempts are vain. I had rather command the rich, than be rich myſelf. Carry back with you this fatal metal, which men make uſe of only for their deſtruction; and tell your countrymen, that they will find it as difficult to corrupt, as to conquer me.

The *Achæans* declined to their ruin, from the firſt violation of the ſalutary law, by which the whole confederacy

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[a] *Aut. Thyſ.* De Rep. Athen. 261.

[b] *Plut.* Apophth. *Val. Max.* iv. 3. Ant. Hist. xii. 139.

federacy was bound to take no preſent, from any of the neighbouring kings [a].

Epicrates, the *Athenian*, was, according to law, capitally condemned for taking a preſent in his embaſſy, though he had done great ſervice to his country. *Callias* was fined 50 talents or ſeveral thouſand pounds, for the ſame crime, though he had made a glorious peace for his country. *Philocrates* was puniſhed for taking a preſent of *Philip* of *Macedonia* [b].

'*Nulla aut admodum exigua*, &c. Pecuniary re-'wards were ſcarce known among the *Athenians*. 'Virtue was its own beſt reward; and was thought 'to contain all that was deſirable. The *Athenians* 'were greedy of nothing but glory. Therefore, an 'olive wreath was the higheſt of all prizes [d].'

'*Nihil opus pecunia*, &c. There is no occaſion for 'money; (ſays the great and good *Epaminondas* to '*Diomedes*, attempting, by order of *Artaxerxes*, to cor-'rupt him) for if your king wants any thing of me, 'that is for the advantage of my country, [*Thebes*] 'I will do it for nothing. If he deſires the contrary, 'he is not rich enough to bribe me; for I will not ſell 'my country, for the wealth of the world [e].'

The *Athenians* had their *logiſtæ*, *euthyni*, and *heliaſtæ*, or public auditors of all accounts, to whom all, who touched the public money, were anſwerable annually [f].

'*Iſti quos paverant*, &c. Thoſe who had been en-'riched by the public plunder for many years, when 'deprived

[a] *Schooch.* REP. ACHÆOR. 32. [b] Ibid. 33.
[c] Ibid. [d] *Aut. Thyſ.* DE REP. ATHEN. 251.
[e] *Corn. Nep.* in EPAMIN.
[f] *Aut. Thyſ.* DE REP. ATHEN. 257.

'deprived by *Hannibal* of this unjuſt gain, thought 'themſelves injured, and in revenge, inſtigated the 'Romans againſt that illuſtrious chief[a].'

It is capital for a *Venetian* embaſſador to receive a preſent in his embaſſy[c].

The duke *d' Epernon*, upon a ſtop of the exchequer in *France*, was adviſed to raiſe an income from the people under his government, as other grandees did. He anſwered, that it was not his buſineſs to condemn the proceedings of others; but that he could not think of extorting a ſubſiſtence from the miſerable people, who were in want of bread[b].

He afterwards refuſed to lay impoſitions on the people for the public ſervice, and wrote to the king, deſiring to be excuſed the odious office of oppreſſing the poor. The villainous courtiers immediately ſet up a clamour againſt him, that he only aimed at popularity, and was imagining treacherous ſchemes againſt the government[c].

When *M. de Voiſin*, chief clerk of the parliament of *Paris*, received orders to reſume his office, *A. D.* 1771, the parliament having been before arbitrarily changed by the tyrant, he declared, that his honour, duty, and conſcience, did not permit him to perform the functions of it. He therefore reſigned his place, and was rewarded for his integrity by baniſhment, and confiſcation of his office, which coſt a million of livres, and brought in 100,000 yearly.

The great duke *de Sully*, 'inſtead of making his 'miniſtry uſeful to himſelf by gaining friends, never 'heſitated making himſelf enemies, by ſtanding be-

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[a] *Liv.*

[b] LIFE *of the* DUKE *d'* EPERNON, p. 559.

[c] Ibid. 581.

'tween his master and those importunate courtiers, 'who were perpetually craving in a degree out of all 'proportion to their merit[a].'

'By the spoils of conquered nations, *Cæsar* was 'enabled to corrupt the *Roman* people, and bribe them 'to be instruments of their own ruin, by erecting an 'absolute monarchy in his favour[b].'

The states of *Arragon* told *Don Pedro* IV. their king, that 'pensions given to courtiers, are wages paid 'by the subjects to those, who labour for their destruc-'tion[c].'

By 29 and 30 *Car.* II. a tax of 2 shillings *per* pound was laid on places, and one of 3, upon pensions[d].

In the year 1600, to the last year but one of queen *Elizabeth*, the whole of the ordinary public revenue amounted to no more than 600,000 *l. per annum*; in 1633, the 8th of *Ch.* I. to 800,000 *l.* in 1660, the 12th of *Ch.* II. to 1,200,000 *l.* in the year 1686, 2d of *James* II. to 1,900,000 *l.* in 1714, the 12th of *Anne*, to 3,200,000 *l.* in 1751, the 25th of *Geo.* II. to something short of 6,000,000 *l.* and in the 5th of his present majesty, the year 1765, to full 10,300,000 *l.* Thus from queen *Eliz.* to *Ch.* II's time, our public burdens were doubled, being a space of about 60 years; and from thence to the last of queen *Anne*, about 54 years, near treble; from 1714 again, to the year 1751, that again nearly doubled; and what is still more extraordinary, this last enormous burden encreased from 6 to upwards of 10,000,000 *l.* in

[a] Mod. Univ. Hist. xxiv. 382.
[b] Preface to a Fragment of Polyb. p. iii.
[c] Mod. Univ. Hist. xxi. 70.
[d] *Tindal's* Contin. viii. 13.

in the narrow compaſs of 14 years, from 1751, to 1765[a].

There was one million of debt contracted on the 6*d. per* pound tax, laid *A. D.* 1760, on penſions[b]. The intereſt of a million, at 4 *per cent.* is 40,000*l. per ann.* Therefore the penſions muſt have amounted to 1,600,000*l. per ann.* at leaſt. For 1,600,000 ſixpences, are only equal to the 40,000*l.*

A. D. 1744, a motion was made, that the incomes of places and penſions ſhould be taxed, at leaſt during the continuance of the war, at the rate of 8 ſhillings in the pound. Objections were made to the motion, as might be expected. To theſe what follows was replied by *Robert Vyner*, Eſq.

'I do not wonder, Sir, to hear a placeman affirming, that our public employments are attended with 'vaſt trouble and expence, and the ſalaries and perquiſites belonging to them are no more than they 'deſerve; but moſt other gentlemen in the kingdom 'are convinced, that few or none of our public employments are attended with any expence, and that 'the buſineſs in every one of them might be performed 'for much leſs than it is at preſent; for as to the 'expence, we all know that every ſhilling of it is, in 'moſt of our public offices, defrayed by the public. 'The officers are not obliged to furniſh themſelves 'with ſo much as pens, ink, and paper out of their 'ſalaries; but have theſe and many other articles 'provided for them at the public charge.' [In the year 1773, it was found, that the public has long been charged near 5000*l.* a year for pens, ink, and paper for the houſe of commons.] 'And as to the 'buſineſs, it is well known, that in all our offices, 'thoſe

[a] WHITEH. EVEN. POST, *Apr.* 10.

[b] LOND. MAG. 1760, p. 230.

'thoſe who do the moſt buſineſs have the ſmalleſt 'ſalaries. Nay, in many of our public poſts, the 'man who has the place with the ſalary annexed to 'it, gets a deputy to do the buſineſs for, perhaps, a 'tenth part of the ſalary, and ſometimes the deputy 'has no part of the ſalary, but the perquiſites only, 'or, perhaps, but a ſhare of them. Theſe being 'facts notoriouſly known, I ſhall very readily agree 'with the honourable gentleman, that a ſtrict parli-'amentary enquiry into all our public poſts and 'offices is very neceſſary, and might be of great ſer-'vice to the nation. If ſuch an enquiry were ſtrictly 'and impartially carried through, we might not only 'reduce the ſalaries and perquiſites of moſt of the 'officers and placemen in the kingdom, but a vaſt 'number of uſeleſs officers and placemen might be 'laid aſide, and ſeveral of the offices that have been 'of late years erected, might be entirely aboliſhed; 'which would not only be a great ſaving to the pub-'lic, but a great ſecurity to the liberty of the people. 'But ſuch an enquiry, Sir, I deſpair of ever ſeeing 'ſet on foot, and much more of ever ſeeing it carried 'on with effect; therefore, ſince we cannot remove 'the evil, I am for making the moſt we can of it, 'by ſubjecting all ſalaries and penſions to a double 'tax; nor am I in the leaſt afraid of doing injuſtice 'to any placeman, by not leaving him a ſufficient 'compenſation for all the buſineſs he does for the 'public; for in all our offices there is ſo little buſineſs 'done, or ſuch a number of perſons employed, that 'one moiety of the ſalary, and in many caſes much 'leſs than a moiety, would be a ſufficient reward 'for all the buſineſs they do. With regard to pen-'ſioners, I am ſo far from being afraid of doing them 'injuſtice, that, as to moſt of them, I believe, if we

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'ſtripped them entirely of their penſions, we ſhould 'do a piece of ſignal ſervice, as well as juſtice to 'the public; for I have a ſtrong ſuſpicion that moſt 'of the penſions that have been granted of late years, 'were granted for what ought rather to be called 'miniſterial than public ſervice.'

'The cuſtoms and ſentiments of a people always 'depend upon the cuſtoms and ſentiments of the rich 'and great families amongſt them. If the rich and 'great are ſelfiſh and mercenary, the ſame ſpirit will 'ſoon prevail generally among the people. Prevent 'its being in the power of the rich and great to be 'ſelfiſh and mercenary, and they will ſoon begin to 'be actuated by motives of ambition and the deſire 'of public eſteem; and from them the ſame ſpirit 'will diffuſe itſelf through the whole body of the 'people. The monſtrous ſalaries that have been of 'late years annexed to all the high offices in our 'government, and granted without diſtinction to the 'rich as well as the poor, have raiſed ſuch a ſelfiſh 'ſpirit among the people, that a man is now reckoned 'a fool or a madman if he gives himſelf any trouble 'about ſerving his country without ſome pecuniary 'reward.

Quis niſi mentis inops oblatum reſpuat aurum?

'Diminiſh thoſe ſalaries, Sir, and grant them to 'none but ſuch as ſtand in need of them for their 'ſupport, or for ſupporting the dignity of their 'office, and you will put it out of the power of the 'rich to be governed by pecuniary motives. Among 'them the motives of ambition and public eſteem 'will ſoon reſume their proper ſeat, and a generous 'deſire to ſerve one's country without any pecuniary 'reward will from them diffuſe itſelf through the 'whole

'whole body of the people, insomuch that it may 'very soon become scandalous to desire any of the 'public money if a man can serve his country and 'support himself without it. I know, Sir, it may 'be said, that unless you grant such salaries as may 'be a temptation to men of fortune to serve the pub-'lic, no man of fortune will ever enter into the public 'service. This I take to be a very severe satire upon 'our men of fortune. It is supposing that they are 'governed by nothing but sordid and mean pecuniary 'considerations; that they have no regard for their 'country, nor will do it any service unless they can 'thereby supply their luxury or satisfy their avarice. 'But I have not so bad an opinion of our men of for-'tune, or the men of fortune of any country. Put 'pecuniary considerations out of the way, and mere 'generous motives will take their place. Nay, men 'of fortune would engage in the public service, if it 'were for nothing else but to have something to do, 'for a state of mere idleness is, above all others, the 'most irksome; of which we may be convinced, by 'observing the many inventions of men for pre-'venting their being in such a state. Many other 'motives would engage them in the public service, 'and even in that service which, above all others, is 'the most dangerous and toilsome; I mean the army, 'especially in time of war. This we may be con-'vinced of from what is now the case in *France*: 'The pay of the officers of their army is so small, 'that it can be a temptation to no man of fortune; 'and the colonel of a regiment must always, in that 'service, be at a much greater expence than his pay will 'answer. Yet there is hardly a man of fortune in that 'country who is not, or has not been, in the army, unless 'it be such as have been bred to the law. The case

'would ſoon be the ſame in this country, Sir, if 'pecuniary temptations were once removed, or very 'much diminiſhed; and beſides the public ſaving, it 'would contribute not a little towards putting an end 'to the luxury and extravagance that now prevails 'among our quality and chief gentlemen; for among 'men of fortune the public money, like money got 'by gambling, is generally ſpent in luxury and ex-'travagance. I may ſay it is always ſo, except when 'it falls into the hands of ſome covetous, avaritious 'creature, and then it contributes, perhaps, to enrich 'a family, that was before richer than is conſiſtent 'with the happineſs and conſtitution of this king-'dom; for it is our buſineſs to have many rich fami-'lies amongſt us, but none too rich: and I am ſure 'it is not the buſineſs of any ſtate to contribute, at the 'public expence, towards the ſupply of luxury or the 'ſatisfaction of avarice, neither of which can ever be 'fully ſupplied or ſatisfied, nor will ever ſay he has 'enough. To a luxurious man, the more you give the 'more methods of expence he will always invent; and 'money to an avaritious man is like water to a drop-'ſical, the more you give the more he will deſire. 'I believe no one who hears me will ſay, that public 'ſpirit and diſintereſted regard for our country is not 'now at a very low ebb among the people of this 'kingdom. What is the cauſe of this? The cauſe 'is plain and evident. The great ſalaries, and many 'unlawful, I may ſay, cruel, perquiſites that have 'been of late years connived at, or by law, or cuſtom, 'annexed to moſt of the high offices in the kingdom, 'have introduced this ſpirit too generally amongſt 'our noble and rich families; and as ſuch families 'may be called the heart and vitals of the people, the 'corruption has from thence diffuſed itſelf through

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'the whole body. This is the true cauſe, Sir, and 'the remedy is as obvious as the diſeaſe. The rich 'and great will have a concern in the government of 'their country, if they can. You have no occaſion 'to invite them by lucrative temptations. If you do 'not invite them by ſuch temptations, they will take 'that concern from motives that are generous and 'conſiſtent with the public good. Public ſpirit, and 'a deſire of eſteem, will then be their only motives 'for engaging, or deſiring to be engaged, in the pub-'lic ſervice; and when this ſpirit begins to prevail 'generally among the rich and great, the people, as 'they always do, will ſoon begin to follow their 'example. As men are naturally fond of power, 'though attended with no ſordid gain, ambition may 'ſtill cauſe a contention who ſhall ſerve their country 'in the higheſt offices; but that contention will never 'be ſo violent, as to produce faction, nor can it pro-'duce any dangerous oppoſition to a wiſe and upright 'government, becauſe among a people generally 'governed by virtue and public ſpirit, no ambitious 'man can form a party againſt ſuch a government; 'and much leſs can he form a party for overturning 'the liberties of his country, becauſe the ambition of 'one man will always be a check to the ambition of 'another; for no man who is actuated by ambition 'only, will ever conſent to give *himſelf* an abſo-'lute maſter; but a luxurious or avaritious man may 'very readily conſent to give even *himſelf* an abſolute 'maſter, if he may thereby hope to ſupply his lux-'ury or indulge his avarice. We may thus ſee, Sir, 'that a ſtop muſt be put to the ſelfiſh mercenary 'ſpirit that now prevails among the people, if we 'have a mind to preſerve our liberties. Such a law 'as I have mentioned would certainly be the moſt

'effectual method for this purpose. It must be confessed by every one who can talk impartially of 'matters relating to government, that officers and 'placemen are proportionably more numerous in this 'country than in any other on earth; and the profits 'so vastly exceed the service required, that every man 'is fond of getting a place under the government, 'because in no sort of business he can earn so much 'for so little service. Justice, therefore, can require 'of us no exception, but that mentioned by my honourable friend who made you this motion, I mean 'that of the judges; and no compassion can prompt 'us to go further than to places or pensions of 50 *l.* a 'year and under. These are all the exceptions that 'either justice or compassion can require of us, and 'admitting these, I am convinced the additional tax 'proposed would produce a very considerable yearly 'revenue, especially if the commissioners of the land-'tax should fall upon a way of subjecting perquisites, 'as well as salaries, to this double tax; which, I think, 'they might easily do, and ought to do; for the 'perquisites of offices are very different from the fees 'of lawyers, physicians, or parsons, and still more 'different from the wages of journeymen. These 'are the price, and the only price they have for their 'labour or attendance; but the perquisites of offices 'are not the price of labour or attendance. They 'have their salaries for the price of their labour and 'attendance; and their perquisites are the price only 'of their impudence and imposition, commodities 'which, I am sure, ought to be taxed as high as any 'that are produced or imported; and that they may 'be highly taxed is one of my chief reasons for approving this motion [a].'

Mr.

[a] *Alm.* Deb. Com. i. 313.

Mr. *Southwel* ſpeaks excellently on this ſubject, as follows [a].

'Sir, As reformation of abuſes in the church has 'always been a moſt frightful word to prieſts, ſo re- 'formation in government has always, for the ſame 'reaſon, been equally terrible to miniſters: Thoſe 'abuſes in religion which make a reformation neceſſary, 'have generally been introduced by the cunning of 'prieſts, for increaſing their own power or their reve- 'nues; and thoſe abuſes in government which render 'a reformation neceſſary, have generally been intro- 'duced by the cunning of miniſters, in order to encreaſe 'their own power or profits. Theſe two orders of 'men have therefore the ſame reaſon to dread a refor- 'mation, becauſe it muſt be attended with a diminution 'of their power or their profits, and probably with a 'very great diminution of both. For this reaſon, Sir, 'when I hear a miniſter running out againſt refor- 'mation, and dreſſing it up in all the hobgobling 'ſhapes his fancy can ſuggeſt, I always think of the 'prieſts of *Diana* at *Epheſus:* It is not the danger that 'threatens the public, but the danger that threatens 'their ſhrine, which they are afraid of; and as the 'over-grown power of miniſters is of as pernicious 'conſequence to free government as the over-grown 'power of prieſts is to true religion, a reformation is 'as often neceſſary in one caſe as the other. This is 'the foundation of that maxim laid down by *Machi-* 'avel, that in order to preſerve a free government, it 'often becomes neceſſary to bring it back to the firſt 'principles, which is a maxim the friends of liberty 'will always take care to obſerve, and we may ex- 'pect that it will be as conſtantly oppoſed by miniſters,

[a] *Alm.* Deb. Com. 1. 330.

'who always have been, and always will be, graſping 'at arbitrary power. Upon this principle, Sir, 'let us examine the motion now before us, in 'order to ſee whether it is not returning a ſtep back 'toward our ancient conſtitution. I am ſure, no 'man, who has read the hiſtory of the nation, will 'ſay that our anceſtors the *Saxons* ever thought of 'inviting men to ſerve the public by great ſalaries or 'penſions. On the contrary, we know that all thoſe 'offices that are of the true *Saxon* originals, ſuch as 'ſheriffs, pariſh offices, and moſt of our offices in 'cities and boroughs, are attended with an expence, 'inſtead of being of any advantage to the officers. 'At leaſt if they now make any advantage of them, 'it is by ſome innovation unknown to our anceſtors, 'and ſuch a one as they never would have allowed to 'be introduced. But the crown, having, by ſome 'means or other, got into its poſſeſſion the arbitrary 'diſpoſal of almoſt all offices and places, miniſters 'ſoon found that the more valuable theſe offices and 'places were made, the more their power would be 'extended; therefore they reſolved to make them lu-'crative as well as honourable, and from that time 'they have been by degrees increaſing, not only the 'number of offices and places, but alſo the profits 'and perquiſites of each. Not only large ſalaries have 'been annexed to every place or office under the 'government, but many of the officers have been 'allowed to oppreſs the ſubjects by ſale of the places 'under them, and by exacting extravagant and un-'reaſonable fees, which have been ſo long ſuffered, 'that thay are now looked on as the legal perquiſites 'of the office. Nay, in many offices, they ſeem to 'have got a cuſtomary right to defraud the public; 'and we know how careful ſome of our late miniſters

'have

'have been to prevent or defeat any parliamentary 'enquiry into the conduct and management of any 'office. By theſe means, Sir, the expence of our civil 'government is become ſo great, that it is hardly in 'the power of the people to ſupport it. At leaſt it is 'not in their power to ſupport the expence of our 'civil government, and at the ſame time to ſupport a 'foreign war with that vigour which is neceſſary for 'bringing it to a happy and ſpeedy concluſion. But 'this is not the only inconvenience that attends the 'multitude of offices and places under our government, 'and the large ſalaries and perquiſites annexed to 'them: They not only render it impoſſible for us to 'ſupport or carry on a foreign war with vigour, but 'they render it impoſſible for us to preſerve our 'liberties without ſome great reformation in our 'conſtitution. The motion now before us does not 'therefore proceed from any extravagant ſpirit of 'reformation, but from a juſt ſenſe of the danger we 'are expoſed to, if we do not reform. As to the 'danger that threatens our liberties, I do not much 'wonder at our miniſters not being affected with it; 'becauſe from the whole courſe of our hiſtory, as 'well as from late experience, I have obſerved that 'as ſoon as a gentleman becomes a miniſter, or, as he 'calls himſelf, a ſervant of the crown, he ſhakes off all 'concern for the liberty of his country; and what-'ever profeſſions ſome of our preſent miniſters may 'have formerly made, I am afraid it will be found, 'that they have no more virtue than their predeceſſors. 'For this reaſon, I ſay, Sir, I do not wonder at our 'miniſters not being affected with the danger our 'liberties may be in from the number of our officers, 'and the high ſalaries annexed to their ſeveral offices; 'but as to the danger we are expoſed to by our in-

'ability to support a foreign war, I wonder that even 'our miniſters are not affected with it. My wonder 'does not ariſe, Sir, from any high notion I have of 'their virtue or love for their country, but from my 'being convinced that they have a great love for them-'ſelves, and a paramount regard for their own ſafety 'and intereſt.'

Mr. *Southwel* obſerves, that the miniſtry were in ſome danger, leſt the people, provoked on thinking how they are taxed, while the courtiers are wallowing in places and penſions, might make an inſurrection to the danger of their plunderers. Then he goes on as follows:

'Men, Sir, who are capable of judging without pre-'judice, I am ſure, muſt be ſenſible of the great danger 'our liberties are in from the vaſt influence the crown 'has of late years acquired by the multiplication of 'offices, and the increaſe of officers as well as the 'increaſe of their ſalaries and perquiſites; for ſurely 'no gentleman will ſay that our monarchy would 'continue to be a limited monarchy, if the crown 'were ſure of having always a parliament at its 'devotion; and that this may be the caſe, that 'this will be the caſe, is I think abſolutely certain, 'if ſome effectual methods be not very ſoon taken 'to prevent it. A reformation therefore of ſome 'kind or other is become abſolutely neceſſary, if we 'intend to preſerve our liberties. A place-bill, and a 'bill for excluding officers of all ranks and degrees, 'with a very few exceptions, from voting at elections, 'would have ſome effect; but it is very certain that 'the moſt effectual method would be to diminiſh the 'number and value of thoſe gifts which the crown 'has a power to beſtow; and the motion now before 'us, is, I think, the moſt obvious ſtep, and the firſt 'ſtep we ought to take for this purpoſe. The motion

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'is in itſelf ſo reaſonable, and the honourable gentle-
'man who made it has choſen ſuch a ſeaſonable and
'critical conjuncture for offering it to our conſide-
'ration, that if it be not agreed to, I ſhall deſpair of
'ever ſeeing any effectual law made for preventing
'that corrupt influence which the crown has a power
'to make uſe of both in parliament and at elections.
'A new adminiſtration may, in order to gain a little
'popularity, at their firſt entrance into power, connive
'at the introducing and paſſing, or may themſelves
'introduce and promote, ſome bill, that has a ſpecious
'appearance of being in favour of liberty; but I ſhall
'never expect an effectual bill from that quarter. I
'have ſuch an opinion of miniſters, that I cannot be
'eaſily convinced, that they will ever conſent to have
'their power effectually abridged; therefore I muſt be
'of opinion, that if ever any ſuch bill be paſſed, it muſt
'make its way through this houſe againſt the power
'and influence of the adminiſtration, and muſt be
'forced through the other two branches of the legiſ-
'lature, or one of them at leaſt, by the obſtinate
'virtue of this aſſembly. Thank God, we have ſtill
'the power in our hands, in ſome meaſure, to compel
'a compliance with what our conſtituents as well as
'ourſelves think abſolutely neceſſary for the preſer-
'vation of our conſtitution. But in the caſe now
'before us, we have no occaſion to make any extraor-
'dinary uſe of our power: no tacking is propoſed:
'no refuſal nor any delay of the ſupplies is deſired:
'What my honourable friend has propoſed, comes
'not only naturally but neceſſarily into a ſupply-bill,
'and conſequently muſt be agreed to by the other two
'branches of the legiſlature, or the whole of this
'branch of the ſupply muſt be loſt. If therefore
'ſuch a natural and ſuch a well-judged propoſal as
'this

'this in favour of our liberties be rejected by this 'houſe, can I ſuppoſe that ever any other can make 'its way againſt the torrent of miniſterial favour?'

Mr. *Southwel* then goes on to ſhew the particular propriety of a ſaving ſcheme at a time, when the nation was engaged in a war againſt *France* and *Spain*, with no allies, but ſuch as were more a burden than an advantage, overloaded with debts and taxes, the incomes of the ſinking fund on the decline, foreign trade leſſened, &c. Then he proceeds as follows:

'In theſe circumſtances, Sir, and when we are in 'ſo much danger of being run out before the war can 'be brought to a period, will any gentleman ſay, that 'we ought to allow our miniſters, placemen, and pen-'ſioners, to enjoy the ſame ſalaries and penſions they 'were provided with in time of peace? Or that we 'ought not to deduct ſome part of their ſalaries or 'penſions, or ſubject them to ſome higher tax than 'any other ſort of people? But this, it is ſaid, is the 'practice of arbitrary government, or of princes that 'are aiming at arbitrary power; and we ought not to 'make their conduct a precedent for ours. Can this 'be called reaſoning? Becauſe an arbitrary govern-'ment does a juſt or a right thing, therefore we are 'never to do ſo. If we can find no precedent for this 'in any of the free governments of *Europe*, it is be-'cauſe their miniſters and officers have either no ſala-'ries at all, or no more than is abſolutely neceſſary for 'ſupporting the dignity of their office. But our mi-'niſters and officers have higher ſalaries and perqui-'ſites in proportion, than the miniſters and officers 'even of any arbitrary government in *Europe*; and 'ſince we imitate them in granting high ſalaries and 'penſions, we ought to imitate them in making deduc-'tions, when we are involved in a foreign war. This

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'was done by the court of *Spain*, as ſoon as war was 'declared againſt us, if there is any credit to be given 'to our gazettes, and news-papers. In order to pro- 'vide for the expence of the war, that court began 'with reducing the appointments of all their officers, 'both civil and military, and with annihilating the 'perquiſites of many others. The ſame thing was 'done by the court of *Vienna*, when they found them- 'ſelves attacked by *France* and *Spain*. In *Ruſſia* like- 'wiſe, they made large deductions from the ſalaries of 'their officers during the war with *Sweden*; and even 'lately in *Denmark*, when there was but the appearance 'of a war with *Sweden*, his *Daniſh* majeſty began 'with laying a tax upon all ſalaries, in proportion to 'their yearly produce. If no ſuch thing has been 'practiſed by *France*, it is becauſe the quality in that 'kingdom are proud of ſerving the government both 'in the civil and military offices, eſpecially the latter, 'without any conſiderable pecuniary reward. As 'many of our nobility and rich gentry are able enough 'to ſupport the dignity of any public office, they can 'be preferred to, out of their own private fortunes, 'ſurely no man will ſay, that it would not be generous 'in them to do ſo at a time, when their country is in 'ſuch danger and diſtreſs. And even when an officer 'has no private fortune of his own, but has a good 'ſalary from the public, ſurely it would be generous 'and right in him to contract his way of living, and 'give up one half of his ſalary in a time of public diſ- 'treſs. If our public officers will not voluntarily do 'what is generous and right, they ought to be made 'to do ſo by ſome public regulation, for which pur- 'poſe nothing better can I think be contrived, than 'the propoſal now under conſideration. The oppoſi- 'tion made by our miniſters to this motion, is in

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'my opinion a moſt convincing proof of the corrupt 'influence that proceeds from the lucrativeneſs of our 'public offices and employments. This of itſelf alone, 'ought to be a prevailing argument with every lover 'of liberty, to render them leſs lucrative, even ſuppoſ- 'ing that the public diſtreſs did not make it neceſſary. 'Miniſters may perhaps think, that nothing but lucra- 'tive motives will prevail with men to accept of 'places or employments in the government of their 'country, becauſe nothing but a mercenary ſpirit can 'prompt a man to accept of any ſuch, upon the terms 'they are generally offered by miniſters, I mean upon 'condition of betraying their country in parliament, 'or at elections; but if we have a mind to preſerve our 'liberties, I am ſure we ought not to enable the crown 'or its miniſters, to get any ſervants upon ſuch terms. 'If the country is to be ſerved by none but ſuch as 'will agree to betray its liberties, I had rather chuſe 'it ſhould not be ſerved at all; for anarchy is better 'than an eſtabliſhed tyranny, becauſe from confuſion, 'order may be brought forth; whereas from an eſta- 'bliſhed tyranny, nothing but irretrievable oppreſſion 'is to be expected. Therefore, if it were true, that 'nothing but lucrative motives could in *England* pre- 'vail upon men to ſerve their country, it would with 'me be no argument againſt rendering the temptation 'leſs cogent; becauſe a ſmall ſalary may prevail upon 'a poor man to ſerve the public, and a poor man is 'not ſo able to ſupport an oppreſſive government, as 'an avaricious or luxurious rich man may be. But, 'Sir, whatever our miniſters may think, whatever 'bad opinion they may have of their countrymen, I 'have no ſuch opinion of them. If nothing but 'honourable ſervices were required, men of honour 'would engage in the ſervice of their country, with-

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'out any pecuniary reward. And I do not think it 'in the leaſt difficult to introduce ſuch a cuſtom, 'as would make it diſhonourable in any man of for- 'tune to deſire or accept of a ſordid pecuniary reward 'or ſalary, for any ſervice he did, or could do his 'country. To talk of a man's right to a pecuniary 'reward for ſerving his country, is to talk in that 'vile mercenary ſtyle, which has been deſignedly in- 'troduced of late years, in order to propagate miniſ- 'terial corruption; but to talk juſtly, no man has a 'right to a pecuniary reward for any ſervice he can 'do his country. Sir, the ſervice of our country is 'like the ſervice of God; when we have done all we 'can, we have done but our duty, and no man can 'have a right to a reward, for doing no more than his 'duty. The rewards therefore beſtowed for public 'ſervices, are not what any man has a right to demand, 'but ſuch only as generoſity, charity, or prudence, 'may induce the country to beſtow: and I am ſure 'neither generoſity, charity, nor prudence, can be 'pleaded for giving large, or indeed any pecuniary 'rewards, to thoſe who are already poſſeſſed of exor- 'bitant riches; and when a country is itſelf in the 'utmoſt diſtreſs, ſurely it ought not to grant ſuch 'high pecuniary rewards, even to thoſe that ſtand in 'need of them, as it may do when it is in affluent 'circumſtances; but our conduct in this country, 'ſeems to have been directly contrary to theſe maxims. 'I am ſure it cannot be ſaid that we have been in 'affluent circumſtances for theſe thirty years paſt: I 'believe every impartial man will grant, that we have 'been for that whole time in a declining condition; 'and yet in that time, we have not only augmented 'very needleſsly the number of our public officers and 'ſervants, but we have greatly augmented the ſalaries

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'and perquiſites of many of them. We may eaſily 'gueſs, Sir, with what view theſe augmentations were 'made, and we may be convinced that the ſame view 'now creates an oppoſition to their being reduced. 'It is not the danger, Sir, of drawing men of fortune 'from the ſervice of their country, but the danger of 'drawing men of fortune from the ſervice of miniſters, 'that creates an oppoſition to this motion; but this 'is ſo far from being a reaſon for me to oppoſe it, 'that it is one of the ſtrongeſt arguments I can think 'of for agreeing to it. I wiſh we could draw every 'man of fortune from that ſervice, for none but men 'who are entirely governed by their avarice or luxury, 'will ever enter into the ſervice of miniſters, upon 'the terms they require; and in the hands of ſuch 'men, neither the counſels nor the treaſure of the 'country can be ſafe. A poor man may be honeſt and 'faithful, but an avaricious man will be neither, if 'he can ſafely indulge his avarice by being otherwiſe. 'A poor man may live contented upon a ſmall ſalary, but 'a luxurious man no income can ſatisfy, therefore he 'will endeavour by any means to get a ſupply. Can 'we expect, Sir, that either the counſels or treaſure of 'our country will be ſafe in the hands of thoſe, who 'in order to get them into their hands, have agreed to 'betray the liberties of their country. Sir, if they do 'not ſell the counſels of their country, it is becauſe 'they cannot find a purchaſer; and if they do not 'convert the treaſure of their country to their own 'uſe, it is becauſe they are afraid of puniſhment. 'There is more danger therefore, with regard to the 'public counſels or treaſure, in having ſuch men of 'fortune employed, than in having men of no fortune 'employed in the public ſervice; and with regard to 'our liberties, the danger is infinitely greater, becauſe

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'men of no fortune could not betray the liberties of their 'country by getting into parliament, nor could they 'ſo powerfully aſſiſt an oppreſſive adminiſtration in 'corrupting our elections. For this reaſon, Sir, we 'ought not to provide any miniſtry with the means of 'tempting the avaricious or luxurious rich to accept 'of places or employments in the government; and 'much ſmaller ſalaries or profits, than are annexed to 'moſt of theſe places, would be a ſufficient temptation, 'becauſe they would be a ſufficient ſupport for gentle-'men of no fortune. There is therefore no weight 'in the objection made to this propoſal, That it 'would drive all gentlemen of fortune and character 'out of the public ſervice; becauſe it would drive no 'gentlemen of fortune out of the ſervice, but ſuch as 'ought not to be allowed to enter into it; or who 'at leaſt ought not to be tempted by lucrative conſi-'derations to enter into it, eſpecially as long as ſuch 'temptations are at the diſpoſal of our miniſters, and 'as long as a lucrative place in the government is no 'objection to a gentleman's being a member of this 'houſe. The only remaining objection I have heard 'made to this propoſal is, That it would make but a 'very ſmall addition to our public revenue, if we 'make thoſe exceptions which juſtice and compaſſion 'require. I have already ſhewn, Sir, that juſtice has 'nothing to do in the queſtion, becauſe no man has a 'right to any pecuniary reward from the public; and 'as to compaſſion, it cannot I am ſure carry us farther, 'than the honourable gentleman who made the motion 'has mentioned. Suppoſe then we except all ſalaries 'and penſions of 50*l.* a year and under, will any gen-'tleman ſay that 4*s.* in the pound upon all ſalaries 'and penſions above 50*l.* a year, would not produce a 'very conſiderable revenue? I ſhall not pretend to

'determine,

'determine, or even to gueſs at what it would produce; 'but I may ſuppoſe that our ſalaries and penſions 'above 50l. a year amount to at leaſt a million ſterl-'ing; if I ſaid two, I believe I ſhould not be miſta-'ken; but ſuppoſe no more than one, it would pro-'duce an additional annual revenue of 200,000*l.* a 'year, without any additional charge; and ſuch an 'additional revenue is I think far from being incon-'ſiderable, at a time when our government finds itſelf 'under a neceſſity of indulging even the moſt deſtruc-'tive vice of the people,' [the drinking of gin under licence] 'in order to raiſe money by taxing it.'

The court-ſycophants pretend, that the dignity of the crown [the voracity of their extravagance, they ſhould ſay] requires a great expence to ſupport it, and particularly a numerous attendance at court. But the truth is, the greatneſs of a prince is never eſtimated according to the ſplendor of his court, unleſs it be by women and children. All mankind agree to pronounce him a great prince, who makes his enemies fear him, and his allies and ſubjects love him. And this is done by a procedure directly oppoſite to an unbounded expence laid out upon a ſet of idle hangers-on. But I ſhall have occaſion to treat of regal parade hereafter. In the mean time, on the exorbitant number of placemen, let us obſerve in what light the court-liſt exhibits that abuſe. There we find places piled on places, to the height of the tower of *Babel*. There we find a maſter of the houſhold, treaſurer of the houſhold, comptroller of the houſhold, cofferer of the houſhold, deputy-cofferer of the houſhold, clerks of the houſhold, clerks comptrollers of the houſhold, clerks comptrollers deputy-clerks of the houſhold, office-keepers, chamber-keepers, neceſſary-houſe-keepers, purveyors of bread, purveyors of wine, purveyors

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of fish, purveyors of butter and eggs, purveyors of confectionary, deliverers of greens, coffee-women, spicery-men, spicery-men's assistant-clerks, ewry-men, ewry-men's assistant-clerks, kitchen-clerk-comptrollers, kitchen-clerk-comptroller's first clerks, kitchen-clerk-comptroller's junior clerks, yeomen of the mouth, under-yeomen of the mouth, grooms, grooms children, pastry-yeomen, harbingers, harbingers-yeomen, keepers of ice-houses, cart-takers, cart-takers grooms, bell-ringers, cock and cryer, table-deckers, water-engine-turners, cistern-cleaners, keeper of fire-buckets, and a thousand or two of the same kind, which if I were to set down, I know not who would take the trouble of reading them over. Will any man say, and keep his countenance, that one in one hundred of these hangers-on is of any real use? Cannot our good king have a poached egg for his supper, unless he keeps a purveyor of eggs, and his clerks, and his clerk's deputy-clerks, at an expence of 500 *l.* a year? while the nation is sinking in a bottomless ocean of debt? Again, who are they, the yeomen of the mouth, and who are the under-yeomen of the mouth? What is their business? What is it to yeoman a king's mouth? What is the necessity for a cofferer, where there is a treasurer? And, where there is a cofferer, what occasion for a deputy-cofferer? Why a necessary-house-keeper? cannot a king have a water-closet, and keep the key of it in his own pocket? And my little cock and cryer, what can be his post? Does he come under the king's chamber window, and call the hour, mimicking the crowing of the cock? This might be of use before clocks and watches, especially repeaters, were invented; but seems as superfluous now, as the deliverer of greens, the coffee-women, spicery-men's assistant-

clerks, the kitchen-comptroller's firſt clerks and junior clerks, the groom's children, the harbinger's yeomen, &c. Does the maintaining ſuch a multitude of idlers ſuit the preſent ſtate of our finances? When will frugality be neceſſary, if not now? Queen *Anne* gave 100,000 *l.* a year to the public ſervice. We pay debts on the civil liſt of 600,000 *l.* in one article, without aſking how there comes to be a deficiency.

The pretence, that a king ought to have a number of attendants about him, to keep up his ſtate, and ſtrike the people with an awe of government, wants no anſwer. Was ever the parade of government kept up at a higher expence than in our times? Was ever government more deſpiſed by the ſubjects, than ours is now? Compare our times with thoſe of Queen *Elizabeth*, who refuſed ſupplies, when offered her, ſaying, the money was as well in the people's pockets as in hers, till ſhe came to want it.

Julian reformed the *Roman* court, diſmiſſing many thouſands who had penſions for no ſervice [a]. Yet we do not find, that he loſt the good-will of the people on that account. Our courtiers cry, There is no poſſibility of keeping things quiet without places and penſions. I own I am inclined to think there is another and better method of keeping things quiet, *viz.* By government's ſhewing, on all occaſions, an unvarying uprightneſs and diſintereſtedneſs of conduct. And I am ſure, that bribery is a very precarious inſtrument of government. For the more the court bribes, the more it muſt bribe. Nor is there any impoſſibility in diminiſhing the number of places. It is often done; though they are much oftener increaſed. In the year 1709, a third ſecretary of ſtate was appointed,

[a] Ant. Univ. Hist. xvi. 249.

appointed, *viz.* the duke of *Queenſbury*; and *Rowe*, the poet, was made under-ſecretary [a]. The number was ſince reduced again to two, without bad conſequence. But there is always a lion in the way, when the reformation of an abuſe is propoſed.

Sir *Edw. Coke* complains heavily, about the beginning of *Ch.* I. of new-invented offices, with large fees, and uſeleſs old ones very chargeable; of a plurality of offices held by ſingle perſons; of extravagance in the king's houſhold; of new tables ſet up in the palace; of voluntary annuities and penſions; of unneceſſary charges in the king's living; of coſtly diet, apparel, buildings, &c. [b] Were he to ſee the proceedings of our times, he would ſoon forget thoſe of *Ch.* I.

The commons addreſs the queen, *A. D.* 1708, that the number of the commiſſioners for paying the *Scotch* equivalent money be reduced; the greateſt part of the buſineſs being done [c].

CHAP. VI.

That Places, Penſions, Bribes, and all the Arts of Corruption, are but falſe Policy, being endleſs and inſufficient.

AFTER all the ſhocking accounts here given of the enormous expence the nation is put to by the villainous art of a ſucceſſion of miniſters, it muſt be owned, that bribery and corruption are falſe policy at beſt, as being endleſs and ineffectual.

[a] *Tind.* CONTIN. II. 119.
[b] PARL. HIST. VI. 363.
[c] DEB. COM. IV. 130.

In the moſt antient of all writings, I mean, the ſacred, we find wiſdom and virtue, ſynonimous terms, and vice and folly put promiſcuouſly for one another. Wiſdom is purſuing the nobleſt ends by the moſt promiſing means. But the ends a corrupt miniſter has in view are raiſing himſelf and his friends to power, and filling his own and their pockets. Are theſe the *nobleſt* ends a being formed for glory, honour, and immortality can propoſe to himſelf? And is bribing the moſt promiſing ſcheme for obtaining theſe nobleſt ends? I trow not.

Ου γαρ κακως, κ. τ. λ. 'He was a ſhrewd obſerver, 'who remarked, that whoever firſt introduces treats and 'preſents among a people, to obtain their favour, 'paves the way for the deſtruction of that people [a].'

The free ſtates of *Greece* were ruined by *Philip* of *Macedon*, more by bribery than the ſword. The *Aſiatic* riches gained by the *Spartans*, corrupted and ruined them. The *Roman* commonwealth was overſet by corruption, in conſequence of *Lucullus*'s conqueſts in the eaſt. Till then honour was the reward of virtue; afterwards ſordid wealth filled the place of honour in the minds of the *Romans*; which rapacity continued and increaſed, till the emperor's throne was fairly bought by *Didius Julianus*.

No prince ever bribed more than *Philip* of *Macedon*. But the perſons he bribed were his *enemies*; or *foreigners*. When he underſtood, that his ſon *Alexander* was endeavouring to gain the affections of the *Macedonians* by gifts, he checked him ſeverely [b].

Though, as a politician, he had a great opinion of the force of gold; and was wont to ſay, that no city was impregnable, through the gates of which an aſs laden

[a] *Plut.* in CORIOL. [b] *Cic.* DE OFF. II.

laden with that metal, could pass; though he was accustomed to retain pensioners in every state, and naturally lavish of his money to domestic flatterers; yet he checked this humour, as soon as he perceived it, in his son. He wrote him a letter on the subject full of excellent philosophy. 'How came you, young 'man, said he, to reason so wretchedly with yourself, 'as to fancy those will serve you *faithfully*, whom 'daily you *corrupt* with money? Do you this, that 'the *Macedonians* may hereafter take you, not for 'their king, but for their steward or paymaster. If 'you discharge these offices well, you must make but 'a pitiful prince. They are spoiled who take gifts, 'by being taught thereby an habit of taking.'

Sylla, in the true spirit of a corruptor (of an *English* borough-candidate, I was going to say) feasts the whole *Roman* people [a]. Will any man pretend, that *Sylla* was at that expence for an honest purpose? Some of our court-sycophants pretend, that our borough-hunters are no way blameable for the same proceeding. But the sense of our wise ancestors was otherwise, who have made laws against giving victuals and drink to electors, as much as against bribing with hard money.

There never was a greater corruptor than *Cæsar*, who destroyed the liberties of his country. He invented new pretences for feasting and bribing the people of the city. He gave unusually magnificent shews, and largesses of corn without measure, presented many leading men with slaves and land estates, lent to needy senators large sums of money at low interest, or without; he descended so low as to bribe favourite slaves and freemen, and to crown all, he doubled the

[a] Ant. Univ. Hist. xiii. 94.

pay of the army [a]. By these extravagancies he run himself into debt to the amount of above 250,000 *l.* of our money, and he found, that bribing was endless. At last the wages of iniquity were raised so high, that it cost him 310,625 *l.* to buy off *Æmilius Paulus*, the consul, from *Pompey*'s party [b].

When he stood candidate for the consulship with *Lucceius*, the patricians fearing, that two such consuls together should overset the republic, agreed to support *Bibulus*'s interest against that of *Lucceius*, by buying votes with the public money; even *Cato* himself countenancing the scheme [c] [*ne Catone quidem abnuente*]. But did this temporary expedient save the state? Could *Cato* think it would? How, indeed, could he miss seeing, that it must hasten the ruin of liberty, because it hastened the destruction of the people's virtue, without which no people ever preserved their liberty?

Brutus and *Cassius* found the *Romans* so debased, that they thought it necessary to bribe on their part, as the *triumviri* did on theirs. And after all, the *Roman* legions (unworthy of the name of *Romans!*) basely deserted them to join the *triumviri* [d].

Octavius (afterwards *Augustus*) gave undoubted and repeated proofs of his cowardice. Yet his army, the *Roman* legions, the despisers of cowardice, stood by him. Why? Because he bribed them with money, corn, and lands. See *Lipsius*'s chapter of the gifts of *Augustus*, &c.

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[a] *Sueton.* IN JUL. § 26, 27. et pass.

[b] ANT. UNIV. HIST. XIII. 179.

[c] *Sueton.* IN JUL.

[d] ANT. UNIV. HIST. XIII. 389.

The *Roman* legions, accuſtomed to have the public money diſtributed among them, were much diſſatisfied with *Galba* for leaving off that good old cuſtom [a]. When princes once begin bribing, their tools will not ſuffer them to leave off. There never was a better pretence (if any pretence were good) for bribing, than that of king *William*'s miniſtry, *viz.* buying off the jacobites. Yet who, that conſidered what a door it opened, would have adviſed ſuch a meaſure?

Ambitious and avaritious men are inſatiable. At the beginning of the reign of *Ch.* VIII. of *France*, the duke of *Lorrain* made very high conditions for himſelf and his party. They were granted. He ſeemed for ſome time contented. But ſoon after, he, and the conſtable *de Bourbon*, and many others, begun to hatch miſchief [b].

When the electors become univerſally corrupt, as well as the elected, 'the fate of *Rome* will be renewed 'in *Britain*. The grandeur of *Rome* was the work of 'many centuries, the effect of much wiſdom, and the 'price of much blood. She maintained her grandeur 'while ſhe preſerved her virtue. But when luxury 'grew up to favour corruption, and corruption to 'nouriſh luxury, then *Rome* grew venal, the election 'of her magiſtrates, the ſentences of her judges, the 'decrees of her ſenate, all was ſold; for her liberty 'was ſold when theſe were ſold, and her riches, her 'honour, her glory, could not long ſurvive her 'liberty. She who had been the envy, as well as the 'miſtreſs of nations, fell to be an object of their ſcorn, 'or their pity. They had ſeen and felt that ſhe

[a] ANT. UNIV. HIST. xiv. 489.

[b] MOD. UNIV. HIST. xxiv. 82.

'governed other people by will, and her own by law. 'They beheld her governed herſelf by will; by the 'arbitrary will of the worſt of her own citizens, of 'the worſt of both ſexes, of the worſt of human kind; 'by *Caligula*, by *Claudius*, by *Nero*, by *Meſſalina*, by '*Agrippina*, by *Poppœa*, by *Narciſſus*, by *Caliſtus*, by '*Pallas*, by princes that were ſtupid or mad; by 'women that were abandoned to ambition and to luſt; 'by miniſters, that were emancipated ſlaves, paraſites, 'and panders, inſolent and rapacious. In this miſer-'able ſtate the few, that retained ſome ſparks of the 'old *Roman* ſpirit, had double cauſe to mourn in 'private; for it was not ſafe even to mourn in publick. 'They mourned the loſs of the liberty and grandeur 'of *Rome*, and they mourned that both ſhould be 'ſacrificed to wretches whoſe crimes would have been 'puniſhed, and whoſe talents would ſcarce have re-'commended them to the meaneſt offices, in the 'virtuous and proſperous ages of the commonwealth. 'Into ſuch a ſtate (the difference of times, and of 'other circumſtances conſidered) at leaſt into a ſtate 'as miſerable as this, will the people of *Britain* both 'fall and deſerve to fall, if they ſuffer, under any 'pretence, or by any hands, that conſtitution to be 'deſtroyed, which cannot be deſtroyed unleſs they 'ſuffer it; unleſs they co-operate with the enemies of 'it, by renewing an exploded diſtinction of parties; 'by electing thoſe to repreſent them, who are hired 'to betray them; or by ſubmitting tamely, when the 'maſk is taken off, or falls off, and the attempt to 'bring beggary and ſlavery is avowed, or can be no 'longer concealed. If ever this happens, the friends 'of liberty, ſhould any ſuch remain, will have one 'option ſtill left; and they will rather chuſe no doubt

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'to die the laſt of *Britiſh* freemen, than bear to live 'the firſt of *Britiſh* ſlaves [a].'

The members of the *Poliſh* diet oppoſe the moſt ſalutary meaſures of the court, till they are bought off [b]. The court ought not to have *begun* buying off. If they had not, the expectation of being bought off would never have come into the heads of the members. And their requiring unanimity, is a great diſadvantage, as making each ſingle vote of too much conſequence. Indeed nothing can be more abſurd than giving one a negative againſt one hundred, in any caſe, where the intereſt of all is concerned. Did ever any man in his wits think of putting one guinea, or one ounce, in the balance againſt one hundred guineas, or one hundred ounces?

About the time when the ill-adviſed meaſure of taking off the jacobites by places and bribes was propoſed to king *William* III. the earl of *Braidalbin* formed a ſcheme of quieting the highlanders by diſtributing money among them. A ſum of 15,000 *l.* was ſent him. It was offered to be diſtributed among the chiefs of the clans. But it did not content them. On the contrary (as when a villain, inſtead of being ſet at defiance, is offered a bribe to prevent his ſetting up a falſe accuſation) they roſe in their demands. They thought their own importance muſt be very great, that the government ſhould think it worth while to take them off. This is a weighty leſſon to all courts and miniſters, not to begin bribing; for once begun, no one knows where it will end; but to ſet the heads of parties at defiance, and truſt, for the public approbation, and ſecurity in their places, not to bribes of any

[a] DISSERT. UPON PARTIES, 213.
[b] MOD. UNIV. HIST. XXXIV. 12.

any kind, but to a clear conduct, which will always support them, or enable them to sink with a grace.

Most sins are their own punishment even in this life. The court-corruptor may read his sin in his punishment, in the distress and vexation he brings himself into by raising a nest of hornets about his own ears, by disappointing (for he must disappoint) a multitude of expectants. And every disappointed man becomes a mortal enemy; and one enemy does him more mischief than ten friends do him service. Then he finds all his measures, even his most laudable ones, embarrassed.

Walpole often said, the vacancy of every place gave him anxiety; for he could only oblige one (the person to whom he gave it) and must disappoint many. One would therefore imagine, that even the court itself should wish the number of places diminished.

The market-price of a borough 30 years ago was 1500 *l.* Now they are thought pennyworths at 3000 *l.*

'He who undertakes to govern a free people by 'corruption, and to lead them by a false interest 'against their true interest, cannot boast the honour of 'the invention. The expedient is as old as the world, 'and he can pretend to no other honour than that of 'being an humble imitator of the devil. To corrupt 'our parliaments hath been often attempted, as well 'as to divide our people in favour of prerogative, and 'in order to set the arbitrary will of our princes loose 'from the restraints of law[a].'

'When pensions grow common, and are promiscu-'ously given to those who have deserved them and those 'who have not, the demand and application for them 'will grow universal. Every one will esteem it a sort 'of

[a] DISSERT. ON PARTIES, 217.

'of contempt to him to be left out, and think himſelf 'as well intitled as another who is not intitled at all. 'So that what is taken from the people's induſtry 'and given for the people's protection, will be ſquan- 'dered away to ſupport lazineſs, prodigality and vice, 'and the bread of the children will be thrown to 'dogs [a].'

'As the crown never was, ſo it is ridiculous to 'believe it ever will be better for ſuch irregular ſup- 'plies. The demand upon it will riſe in exact pro- 'portion to their fancied riches, and the weakneſs of 'the miniſtry. Every one will think he has a right to 'ſhare in the profit who has had a ſhare in the guilt; 'and endleſs importunities muſt diſtract the court, as 'well as exhauſt the nation. Whereas a general good 'huſbandry will ſoon put an end to all wild and im- 'pertinent ſolicitations. No one will pretend to what 'no one has. Worthleſs men will not ſpend their 'ſubſtance in hopes to repair themſelves out of the 'kingdom's ruin; but the direction of public affairs 'will fall naturally into hands who have no intereſt 'but in the publick happineſs [b].'

'When it happens that the ſpring head ſhall be 'tainted, from whence are to be drawn the men of 'experience, action, and counſel; buſy perſons by 'different arts, ſome by abject flattery, others by per- 'plexing matters to be bought off, will ſoon prevail to 'be let into many of the chief offices and dignities of 'the ſtate, which they will ſo pollute with their foul 'dealings, and weaken and make contemptible by 'their ignorance, that cleaner and abler hands will 'afterwards be hardly invited in to reſtore things, and 'give them a better complexion. And in ſuch times, 'the

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[a] *Gord.* TRACTS, I. 242. [b] Ibid. 239.

'the worſt of men, who inſinuate beſt, and are ever 'the moſt active, will get into many poſts of truſt and 'importance, and endeavour, if poſſible, to engroſs 'the whole commonwealth to themſelves, and invade 'all her poſts, where they will lie ſtrongly in-'trenched and watchful to oppreſs virtue and merit of 'any kind, with which they are at open war; for if 'endowments of the mind, love to the nation, inte-'grity, experience, conduct, and ſolid wiſdom, ſhould 'once obtain, get ground, and be taken notice of, 'they who ſhine, and are recommended by no ſuch 'qualities, muſt quit their holds and withdraw, or re-'main the univerſal contempt of that people, whoſe 'affairs they are ſo little able to adminiſter [a].'

'Bad men have ever given a falſe colour to their 'proceedings, and covered their ambition, corruption, 'and rapine, with the pretence of their maſter's 'ſervice; they make him believe their greatneſs ad-'vances him; whereas truly it tends to his diminution, 'and he is often weak for want of that wealth and 'power which they ſhare among one another. Their 'riches have frequently brought envy upon the prince, 'but we can hardly meet with an inſtance of any who 'in his diſtreſs has been aſſiſted from the purſes of his 'miniſters: for they are commonly the firſt who fly 'from his misfortunes, and though they pretend that 'his power is revered in them, and that they make him 'ſtrong by the benefits he lets them beſtow, yet a 'wiſe king ſees through all this artifice, and knows 'that he, who would reap any advantage from his 'favours in the opinions of men, muſt make them 'ſenſible that they owe them ſingly to his goodneſs, 'and not to the interceſſion of thoſe about him [b].'

[a] *Daven.* II. 58. [b] Ibid. III. 20.

'Kings reduced to ſtreights either by their own or 'by the negligence of their predeceſſors, have been 'always involved in dark and mean intrigues; they 'have been forced to court ſuch as in their hearts they 'abhor, and to frown upon thoſe whoſe abilities and 'virtues they ſecretly approve of and reverence. In-'ſtead of being heads of the whole commonwealth, 'as in law and reaſon they ought to be, they have 'often been compelled to put themſelves in the front 'ſometimes of one and ſometimes of another party, 'as they ſaw it prevalent, a policy in the end ever 'fatal to rulers. Being entangled, they have been 'conſtrained to put into the chief adminiſtration 'of their affairs, projectors and inventors of new 'taxes, who being hateful to the people, ſeldom 'fail of bringing odium upon their maſter; and 'theſe little fellows, whoſe only ſkill lies that way, 'when they become miniſters, being commonly of 'the lower rank of underſtandings, manage accord-'ingly; for their own ignorance in matters of govern-'ment occaſions more neceſſities than their arts of 'raiſing money are able to ſupply [a].'

'Ill conduct in money matters of itſelf is ſufficient 'to raiſe a ſtrength againſt them in power; and where 'parties are already formed, it renders thoſe the bolder 'who deſign miſchief to the ſtate, becauſe they know 'how difficult it is for a government to reſiſt its enemies, 'when it is without treaſure, and has not the affec-'tions of the people; which was the caſe of *Hen.* III. 'of *France*, a prince full of natural valour, bleſſed 'with early victories, and adorned with eloquence, 'which was ſaid to be irreſiſtible; yet one of his own 'ſubjects, not of the royal blood, came to his capital 'city at the head of no more than ſeven perſons, in 'order

[a] *Daven.* III. 4.

'order to begin a rebellion, which aimed at wresting 'the sceptre from him. How came a man of the 'duke of *Guise*'s caution and sagacity, to take in hand 'an enterprize at first sight so unlikely to succeed, 'but that he knew how low this king had brought 'himself by a long series of mis-government; that '*France* impoverished by taxes was grown weary of 'his rule; that the minds of the people were quite 'alienated from him; that his riots and profusion had 'quite exhausted that treasure wherewith his crown 'was to be defended. And without doubt, this view 'gave the house of *Lorrain*, the council of sixteen at '*Paris*, and the general faction of the league, courage 'to begin that war [a].'

'If it is asked, how it came to pass that so many 'commonwealths and monarchies have been sub-'verted, the answer is easy; they did not sink under 'invasions, or perish by foreign force, till the way 'to conquest had been first opened by their own 'misgovernment. But to come to particulars, and 'to examine into the origin of these various mischiefs, 'which have disturbed government, whence is it that 'there have been factions in a state? In commonwealths 'it was because they did not hold a strict hand over 'their great ones, and took no care to keep out cor-'ruption. Hereupon the manners of the common 'people were depraved, and they followed those whom 'they thought most willing and most able to support 'them in their vices; and this first divided *Rome*. 'In a monarchy, parties thus took their rise; either 'the prince was weak, unable to exert the regal 'authority, and so private men grew upon him, and 'not being in a condition to suppress both, he was 'com-

[a] *Daven.* IV. 429.

'compelled to court firſt one and then the other ſide, 'as his neceſſities required; himſelf nouriſhing that 'diſeaſe, which, in the end, waſted his power; or if 'he had falſe cunning, and meditated in his mind to 'overthrow the laws underhand, he encouraged par- 'ties, kept them equally poiſed, and ſuffered them to 'conſume their ſtrength one againſt the other, in 'hopes they ſhould be both ſo impaired by their mu- 'tual ſtrivings, as to be unable to give him oppoſi- 'tion, and thus to become maſter of the whole at 'laſt. Whence came it, that countries have been 'ruined, by not conſulting national intereſt? Either 'the prince himſelf had bad deſigns, or not being 'endowed with royal virtues, and deſtitute of wiſ- 'dom, he committed the adminiſtration of his affairs 'to unſkilful or corrupt hands. Whence was it 'that affecting arbitrary rule has ſo often thrown 'this kingdom into civil wars? The fault lay in the 'judges, who wreſted law, and made it ſerve the 'turns of power; and in the miniſters, who did not 'perform their duty in repreſenting to the prince the 'danger of ſuch meaſures. From whence have ariſen 'thoſe ſchiſms by which the church has been ſo often 'rent aſunder, but from neglect or unſkilfulneſs in 'the general adminiſtration? From neglect, when 'the temple was ſuffered to be profaned by the licen- 'tious living, the pride, ignorance, and vices of the 'clergy, which might induce many to ſeparate from 'ſuch whoſe lives, they thought, were a blemiſh to 'their doctrine. From unſkilfulneſs, when the 'government has believed that diſeaſes of long growth 'could admit of a ſudden cure, that to ſharp humours 'it was better to apply corroding medicines than leni- 'tives, and that perſecution was the only way of 'reclaiming non-conformiſts from their errors. What

'has moſt frequently been the cauſe of public wants, 'but a complication of miſmanagements, as well in 'the prince as in his miniſters? He omitted his 'part, which was to overlook them, and his negli- 'gence produced their corruption. They encou- 'raged profuſion, as getting moſt by it, and he neg- 'lected œconomy, becauſe it gave him preſent 'trouble. In governments ill adminiſtred, public 'wants lead the way; but private poverty follows 'cloſe after; and, when both happen together, which 'muſt always be the caſe at laſt, then is ruin near at 'hand. Which way ſoever we look, when any thing 'has been out of order in a ſtate, generally ſpeaking, 'the miſchief did proceed from ſome omiſſion in 'the executive power, either from above or from 'below; when vice abounds, we find the laws have 'not been put in execution; when impiety and irre- 'ligion prevail, they have not been ſufficiently diſ- 'countenanced; when there is an uncommon decay 'of trade, it is either not encouraged or not protected; 'when the law is tedious and expenſive, ſome great 'corruption has been ſuffered to creep into the courts 'of juſtice; in naval matters, when good conduct and 'courage are wanting, negligence and cowardice 'have met with too much impunity. Thus, in theſe 'inſtances, and in many others, which have been ever 'the ſubjects of complaint, as at firſt they were de- 'rived from a bad, ſo they are to be corrected by a 'better adminiſtration of affairs[a].' [Conſequently not by bribery and corruption.]

'Much nobler it is to enjoy the praiſes of an uni- 'verſal people living in plenty and at their eaſe, not 'burthened by taxes and duties, than to have the good 'words

[a] *Daven.* v. 13.

'words of a few flatterers, or those harpies which 'commonly haunt a court, to gripe all they can; who, 'when they are gorged themselves, pollute all the re-'mainder with their obscene claws, so that nobody 'else desires to touch it. Besides, we have hardly an 'instance of any prince that in time of need was truly 'assisted and defended by his minions, and the crea-'tures of his bounty and favour; but a king beloved 'for wise, just, and careful government, has been 'very seldom deserted by his people [a].'

'I wish (says the excellent Mr. *Trenchard*) our 'dabblers in corruption would count their gains, and 'balance their losses with their wicked advantages. 'Let them set down in one column their mercenary 'gifts and precarious dependencies; sometimes half 'purchased with money, sometimes by dividing the 'profits with parasites, and always with the loss of 'their integrity and reputation; and on the other 'side let them write down expensive contentions, and 'constant attendance in town, to the neglect of their 'families and affairs, and a manner of living often 'unsuitable to their fortunes, and destructive to their 'health, and at least one fourth part of their estates 'mortgaged, and liable to the discharge of the public 'debts; and above all the rest, the insecurity of what 'remains, which must be involved in every species of 'public misery. And then let them cast up the ac-'count, and see where the balance lies [b].'

'Let them consider, on the other hand, (says he) 'what a figure they make in their several countries, 'among their neighbours, their acquaintance, their 'former friends, and often amongst their own rela-

[a] *Daven.* II. 263.

[b] CATO'S LETT. III. 279.

'tions. See how they have been hunted and purſued 'from place to place, with reproaches and curſes 'from every honeſt man in *England*; how they have 'been rejected in counties and rich boroughs, and in-'deed only hoped for ſucceſs any where, by the mere 'force of exorbitant corruption, which has ſwallowed 'up a great part of their unjuſt extortions. Then 'let them ſet againſt all theſe evils, a good conſcience, 'a clear reputation, a diſengaged eſtate, and being 'the happy members of a free, powerful, and ſafe 'kingdom; all which was once their caſe, and might 'have continued ſo, if they had acted with integrity. 'Sure it is worth no man's time, to change an eſtate 'of inheritance, ſecured to him by ſteady and impar-'tial laws, for a precarious title to the greateſt advan-'tages, at the will of any man whatſoever [a].'

'The public can never have a firm exiſtence, 'unleſs all the different ranks of men co-operate to 'its preſervation, not faintly, but with the utmoſt 'ſpirit and vigour. For if among thoſe in high ſtati-'ons, there is not an affection which warmly embraces 'the honour and intereſt of the commonwealth, and 'if the ſame genius does not univerſally poſſeſs the 'inferior order of people, ſuch ſupine negligence and 'giddy adminiſtration will creep into the ſtate, as 'muſt be attended at laſt with ſudden ruin. If it be 'the intereſt of a great many to promote diſorder, the 'affairs of a country will proceed amiſs, notwithſtand-'ing all the endeavours of a wiſe and virtuous prince, 'and a good ſenate. Therefore, to mend things 'rightly, the whole people muſt be mended. To 'bring this about, in all likelihood, the beſt ways are 'by precepts and examples to inſpire as many as 'poſſible

[a] Cato's Lett. iii. 280.

'possible with a true zeal and affection to their native 'country; to cultivate in the minds of the common 'people, a due reverence to religion; to advance 'morality among the better sort; to give all men in 'general, an honest interest; and to make virtue and 'merit the only road to greatness and preferment. 'It may perhaps be beneficial and safe in a tyranny, 'to let all things loose, and deprave the manners of the 'people; for the light is thereby extinguished, that 'would otherwise be troublesome and too discerning; 'but it is not so with lawful governments, where the 'prince and people compose one body; since if the 'inferior members are there infected, the disease will 'produce such unwholesome fumes and vapours, as 'may reach and hurt the head at last. After a country 'has been long afflicted with calamities occasioned by 'foreign or civil wars, the minds of the people will take 'different turns, sometimes to great piety, and at other 'seasons to the height of vice. The *Romans*, after the '*Gauls* had sacked and burnt *Rome*, were presently 'kindled with new devotion. They revived their an-'cient justice and discipline, they restored those old 'and almost obsolete laws, that were the chief strength 'of their constitution, and they reassumed their former 'virtue. But after the civil wars in the times of '*Galba*, *Otho*, and *Vitellius*, they were not at all bet-'tered by their miseries, (which is the worst symptom 'of a depraved people) and rather plunged deeper into 'wickedness. For when *Vespasian*'s party seized the 'city, there were in some streets rapine and murders, 'and in others, feasting and prostitution; so that one 'and the same town, gave the view of a raging war, 'and a riotous peace. Wise lawgivers and directors 'of a people, may make advantage of a favourable 'crisis. As for example, when a long war is at an

'end, they may take that time to reform the vices of 'the age; for at such a season, when poverty is grown 'upon them, men will probably be more willing to 'listen after virtue, and those methods, by which their 'condition is to be restored. Nothing prevails more 'with the multitude, nor operates better towards their 'amendment, than the example of the great ones; 'if such are seen to content themselves with moderate 'power, wealth, and honours, it teaches those below 'them to be temperate in their desires; by which 'means, faction may be quite rooted out, which in 'most soils is but a weed that grows from the disap-'pointment of ambitious hopes; and where faction 'can be destroyed, government is rendered much more 'easy to the rulers, and without doubt less expensive; 'for when that reigns, men expect to be highly 'courted, and largely paid, for looking after their own 'safety. Dishonesty has nothing in it so very charm-'ing, but that mankind might be persuaded to lay it 'quite aside, at least in relation to the public, if they 'could do their business in the world with other aids, 'and by any other way. For why in the late reigns 'did so many protestants help on the designs of 'popery?—Because it was the only means of obtain-'ing greatness and preferment. Why in former times 'were we betrayed by some persons?—Because the 'court had made selling the peoples rights, a gainful 'traffic. But if men could have mounted up to 'wealth and honours by any other steps, if those who 'were then at the helm, had employed and rewarded 'such as they had seen zealous for the religion of 'their country, jealous of its liberties, and careful of 'its safety; if general integrity had been taken notice 'of, and called into the offices of the state, by degrees 'the age would have mended of itself; vice and folly

'must

'must have withdrawn, and been out of countenance,
'and virtue and good ſenſe might perhaps, at laſt,
'have gotten the upper hand. Any body of men that
'have but one way to honours and advancement,
'will take that courſe, though it be never ſo much out
'of the road of honeſty; and if there is but one place
'where offices and dignities grow, and are gathered,
'thither men will get, whatever it ſhall coſt them.
'Any faculty of the mind, whether for uſe or for
'pleaſure, which is in great vogue and eſtimation,
'will be cultivated and improved; and men will bend
'their whole ſtudy to excel, in what they ſee moſt
'pleaſing or moſt advantageous. It is the ſame thing
'with vice and virtue, either of them thrive, as they
'are encouraged or diſcountenanced. Bar but the
'gate to vice, and men will deſire to enter and ad-
'vance themſelves in the world by courage, prudence,
'temperance, integrity, zeal for the public, magnani-
'mity, and true wiſdom; but if another mark be ſet
'up, and all their aims directed thither, they will en-
'endeavour to riſe and proſper as others have done, by
'fraud, ſervile compliance, treachery, artifice, bribery,
'tricks, and corrupted eloquence; and when a com-
'monwealth is thus abandoned, even ſome of thoſe in
'good eſteem are contented to come in, and take their
'ſhare of the plunder. In a free country, it is the
'concern and intereſt of princes, that virtue ſhould
'be reſtored to her juſt value, and rightful dominion;
'and that vice ſhould for ever be depoſed, and eſpeci-
'ally baniſhed from the place in which are bred up
'the men of action and counſel. When men quit
'the paths of virtue, which lead to true wiſdom, they
'are preſently bewildered in error; and 'till they get
'again into the right road, and obſerve her dictates and
'directions, nothing is to be expected but miſery and

'confuſion. When men leave honeſty, wiſdom for-
'ſakes them, and mixes no longer in their counſels;
'and the general immoralities of a people, embolden
'weak and ill perſons, to thruſt themſelves into the
'adminiſtration of buſineſs, who, void of all ſkill and
'art, caſt the commonwealth upon rocks, where ſhe is
'like to ſplit and periſh; and in ſuch a country, un-
'leſs there be an univerſal tendency in the whole, to
'be guided by the principles of former honour, its
'affairs muſt impair daily, till at laſt, in the courſe of
'a few years, it ſhall be quite loſt, and utterly extin-
'guiſhed. In a free country, if a few of the moſt
'conſpicuous perſons, do but agree to lay to heart
'the honour and ſafety of the public, they will go
'very far towards its preſervation, or at leaſt keep off
'the evil day for a while. For when fortune had un-
'dertaken to deſtroy the commonwealth of *Rome*, the
'ſingle virtue of *Cato* held her long in play, and gave
'her a great deal of oppoſition; much more then, in
'a nation where many yet remain untainted, may
'theſe good patriots, if they will exert themſelves,
'preſerve its conſtitution againſt the attempts of de-
'ſigning men; who are very far from having the
'wealth of *Craſſus*, the fame of *Pompey*, or *Cæſar*'s
'conduct, and who indeed reſemble the ſubverters of
'the *Roman* liberty in nothing, but the luxury and
'rage of *Clodius*. When things go amiſs in a ſtate,
'men are apt to blame the miniſters; though ſuch
'errors, (the corruption of the people conſidered) per-
'haps were not to be avoided. For a country may
'have been ſo depraved, in a long proceſs of time,
'that its affairs cannot ſuddenly be capable of a good
'and ſound adminiſtration. But if any corruptions
'are crept into the ſubordinate parts of this govern-
'ment,

'ment, they will be undoubtedly corrected in times 'of peace and quiet.'

'Nor could it be difficult for former princes to 'corrupt both the electors and the elected; for in moſt 'kingdoms, the court has been a ſhop with wares in 'it to fit all kinds of cuſtomers; there is hope for 'ſome, which feeds many at a ſmall expence; there 'are titles for the ambitious; pleaſures for the young 'and wanton; places for the buſy; and bribes to 'be clearly conveyed for ſuch as deſire to maintain an 'appearance of honeſty, and to betray their truſt but 'now and then in important matters. With theſe 'baits and allurements, princes might eaſily draw into 'their net the unthinking gentry of the land, and 'thereby poiſon the fountain head of the laws, and ſap 'the very foundations of the political conſtitution [a].'

Let us hear, on this ſubject, Sir *Francis Daſhwood* in the houſe of commons, *A. D.* 1745 [b].

'That there is a difference, Sir, between our con-'ſtitution and eſtabliſhment, that under the latter the 'former may be deſtroyed, and conſequently the people 'diveſted of their rights and privileges, no one can 'deny, who conſiders the fatal effects of corruption; 'nor can any man pretend, that the people are not 'ſenſible of this difference, if he reflects upon the 'inſtructions that have been given by the people in 'all parts of the united kingdom, to their repreſen-'tatives in this houſe. That the danger to which 'our conſtitution may be expoſed by the ſucceſs of 'the preſent rebellion is more imminent, no man, I 'believe, will openly deny; but that the danger to 'which it may be expoſed by the ſucceſs of corruption 'is more certain, every man muſt grant, who is not

[a] *Daven.* II. 57. [b] *Alm.* DEB. COM. II. 331.

'biaſſed by the poſt or penſion by which his head is con-
'founded, though his heart may not perhaps be as yet
'corrupted. Should the rebellion be crowned with
'ſucceſs, which I think we are in very little danger
'of; our conſtitution may be preſerved even by the
'good ſenſe of the pretender himſelf, if he has any,
'becauſe a conſtitutionally limited monarchy is more
'ſecure, and conſequently more eligible to a king of
'good ſenſe, than the moſt abſolute one; but the ſingular
'misfortune of corruption is, that a king may thereby
'be rendered abſolute, even without his deſigning or
'knowing any thing of it, till it becomes impoſſible
'for him to govern by any other means. Gentlemen
'I ſee, Sir, are ſurprized at ſuch a new and extra-
'ordinary doctrine; but there is nothing more plain,
'if we conſider the nature of government, and the only
'two methods by which it can be ſupported. No
'man, I believe, ever ſuppoſed that a government can
'be ſupported by a king or other ſupreme magiſtrate
'by himſelf alone. He muſt have a majority, or at
'leaſt a great number of people, engaged with him to
'ſupport the government, and theſe men muſt be en-
'gaged by the public intereſt, or each man by his own
'private intereſt. The multitude, I ſhall grant, may
'be kept in awe by their fears; but the moſt abſolute,
'the moſt arbitrary tyrant muſt have a number of men
'engaged by their private intereſt ſufficient to impreſs
'that fear. One ſingle man may, by his authority,
'perſuade a multitude; but a ſingle man never can
'frighten a multitude. Every government muſt there-
'fore have a number of men for its ſupport, and thoſe
'men muſt be kept engaged to do ſo by the public, or
'by their private intereſt. When thoſe who ſupport the
'government are engaged to do ſo by the public inte-
'reſt alone, or by that chiefly, it is a free government,

'even

'even though by its form it be ſupremely adminiſtered 'by one ſole monarch. But when they who ſupport 'the government are engaged to do ſo by their private 'intereſt alone, or by that chiefly, it is an abſolute 'government, even though by its form it be ſupremely 'adminiſtered by a king, lords, and commons; and 'ſuch a government can be ſupported no way but by 'corruption. If ſuch a government be ſupremely ad-'miniſtered by a ſole monarch, he muſt have a merce-'nary army for his ſupport, and money enough to 'hire or corrupt them; and if ſuch a government be 'by its form ſupremely adminiſtered by a king and 'parliament, he muſt have money enough to hire or 'corrupt his mercenary parliament, as well as his 'mercenary army. To apply this, Sir, to our con-'ſtitution, and to ſhew that by corruption our king 'may, without his own knowledge, be rendered not 'only abſolute, but unable to govern by any other 'means; it is very certain, that the freedom of our 'conſtitution conſiſts in every man's being directed 'with reſpect to his voting both at elections, and in 'parliament, by the public intereſt alone, or by that 'chiefly: Whilſt this continues to be the caſe, our 'conſtitution will be preſerved, and we ſhall continue 'to be a free people. For this purpoſe, a public and 'diſintereſted ſpirit muſt be propagated and preſerved 'among the people, and it will always be the king's 'intereſt to do ſo, becauſe he can have no intereſt ſepa-'rate or diſtinct from that of his people. But miniſters 'have often a private intereſt which is diſtinct from, 'and oppoſite to that of the people; and when any 'ſuch man happens unfortunately to become the 'king's prime miniſter, he will make it his buſineſs to 'root out all public ſpirit, and to plant a ſelfiſh ſpirit 'in its ſtead. All the favours of the crown, and all the

'poſts

'posts and offices in the kingdom will be bestowed, 'not upon those who deserve them, or are qualified 'for them, but upon those that vote in parliament, or 'at elections according to his direction, and without 'any regard to the national interest. This a cunning 'minister may do without its being possible for the king 'to discover it; because the king can know the merits 'or qualifications but of a very few of his subjects. By 'such means, a selfish venal spirit may be introduced 'into parliament, and from thence propagated through 'the whole nation; and then if the king has but 'money enough, or lucrative places and offices enough 'at his disposal, which a corrupt parliament will always 'take care to provide for him, he becomes, without his 'designing it, as absolute as if he had no parliament at 'all, and may act in a more oppressive manner than 'any sole monarch can venture to do, because he has 'the sanction of parliament for every thing he does, 'and has the principal families in the kingdom en-'gaged to justify his measures. Thus, Sir, our king 'may be made absolute without his having ever 'entertained any design against our liberties; and the 'poison being once thoroughly diffused, which it may 'by such a minister's continuing long at the head of 'the administration, it will then be impossible for the 'king to support his government without corruption; 'for when the public interest is considered by no man, 'or but by a very few, when the whole or a great 'majority of the people are actuated by nothing but 'selfish mercenary views, can the king expect to have 'his government supported by a majority in parlia-'ment, let his measures be never so much calculated 'for the public good, unless he makes it their private 'interest to do so? While he can do this, he may 'expect to reign absolute, and yet according to law;

'but

'but the moment he ceaſes to do this, or ceaſes being 'able to do it, he muſt either put an end to par- 'liaments, or the parliament will put an end to his 'reign; for all thoſe who find they cannot make their 'market of him will join againſt him, in hopes of 'making a better market of his ſucceſſor. I muſt 'therefore think, Sir, we cannot do a better ſervice to 'our ſovereign, than by paſſing ſuch laws as are neceſ- 'ſary for putting a ſtop to the progreſs of corruption, 'and reviving a public and diſintereſted ſpirit among 'the people; and as the people have loudly called for 'ſome ſuch laws being paſſed, we cannot take a more 'proper opportunity for introducing them, becauſe it 'will confirm and ſtrengthen that ſpirit which now 'appears among the people without doors in favour of 'our preſent eſtabliſhment, and will make them more 'ready to venture their lives in ſupport of the govern- 'ment, ſhould any future ſucceſs of the rebels, or 'the landing of any foreign troops, make it neceſſary 'for us to call for the aſſiſtance of their hands as well 'as their purſes. What our miniſters may think, 'Sir, I do not know, having little or no correſpon- 'dence with any of them; but as they enjoy the 'greateſt advantages under our preſent government, 'and as the people have ſo generally ſhewn themſelves 'zealous for ſupporting that government, under which 'they in particular enjoy ſo many advantages, I am 'ſure every other man thinks they are in gratitude 'bound to give ſatisfaction to the people with regard 'to thoſe laws which they think ſo neceſſary for ſecu- 'ring their liberties againſt the fatal effects of cor- 'ruption. Therefore I do expect in this ſeſſion to 'ſee a very extraordinary change in the conduct of 'our miniſters. Though in former ſeſſions they have 'oppoſed every ſuch law, yet now I hope they will

'them-

'themſelves be the introducers and the promoters of 'every one of thoſe laws which the people have ſo long 'called for in vain; and if I ſhould have the pleaſure of 'ſeeing ſuch a change in their conduct, I make no 'doubt of having the pleaſure to ſee every one of 'thoſe bills paſſed into laws, without any oppoſition in 'either houſe of parliament. Theſe, Sir, are the 'hopes I conceive from that ſpirit which has appeared 'among the people for ſupporting our preſent moſt 'excellent government, and our preſent moſt wiſe 'adminiſtration. This is the return of grati-'tude I expect from our miniſters, who have always 'ſhewn themſelves moſt grateful to thoſe who have 'ſerved them in this houſe or at elections; and I hope 'they will not be leſs grateful to thoſe who have ſhewn 'themſelves ready to ſerve their king and country at a 'time of ſuch imminent danger. This return, I am ſure 'the people expect; and I think we ſhould take this 'firſt opportunity to give them ſome hopes of their 'not meeting with a diſappointment. As we do not 'know how ſoon the rebels may enter *England*, as we 'do not know how ſoon an army of foreign troops 'may be landed amongſt us, we ought not in prudence 'to let ſlip this firſt opportunity of convincing the 'people, that there is nothing they can deſire for 'ſecuring their liberties, but what they may expect 'from this government, and from this ſeſſion of parlia-'ment. For this reaſon, Sir, I think it neceſſary to add 'ſomething to our addreſs on this occaſion. Therefore 'I have prepared an additional paragraph; and I muſt 'humbly move, that it may be added to what the 'honourable gentleman has been pleaſed to propoſe. 'The additional paragraph I have prepared is in theſe 'words. "And in order to the firmer eſtabliſhment of 'his majeſty's throne on the ſolid and truly glorious

'baſis

'baſis of his people's affections, it ſhall be our zealous 'and ſpeedy care to frame ſuch bills, as, if paſſed into 'laws, may prove moſt effectual for ſecuring to his 'majeſty's faithful ſubjects the perpetual enjoyment of 'their undoubted right to be freely and fairly repre-'ſented in parliaments frequently choſen and exempted 'from undue influence of every kind. For eaſing their 'minds in time to come of the apprehenſion they might 'entertain of ſeeing abuſes in offices rendered per-'petual without the ſeaſonable interpoſition of parlia-'ment to reform them, and for raiſing in every true 'lover of his king and country the pleaſing hopes of 'beholding theſe realms once more reſtored to that 'happy and flouriſhing ſtate, which may reflect the 'higheſt honour on his majeſty's reign, and cauſe 'poſterity to look back with veneration and gratitude 'on the ſource of their national felicity."

CHAP. VII.

The common Apologies for Corruption, as a ſuppoſed neceſſary Engine of Government, ſhewn to be falſe.

LORD *Walpole*, in his ſpeech, *A. D.* 1739, labours to ſhew, that 'the ſovereign's power 'of rewarding merit is one of the moſt fundamental 'and moſt uſeful parts of our conſtitution:' [ſo a learned biſhop tells us, in his *Alliance between Church and State*, that an eſtabliſhed proviſion for the clergy is the very foundation-ſtone of a church. I like thoſe honeſt men, who fairly own, that money is their great object.] 'There are many ſorts of public ſervices'

(ſays lord *Walpole*) 'which cannot be immediately 'explained, which it would be inconſiſtent with the 'public good to divulge; and yet, if this bill [the penſion bill] 'ſhould paſs into a law, his majeſty 'could reward no ſervices in any member of the other 'houſe without explaining and divulging theſe ſervices; 'nay, and putting it in the power of that houſe to 'judge, whether theſe ſervices deſerved ſuch a reward, 'which might occaſion diſputes between that houſe 'and the crown, and would certainly diſcourage every 'member of that houſe from rendering any ſecret 'ſervices to the public.' [The *Dutch* carry on their government very ſucceſsfully without this waſte of the public money to reward ſecret ſervices.] 'This, 'my lords, would be a great prejudice to our civil 'government; and the frequent oaths that are to be 'introduced by this bill would be of the moſt dan-'gerous conſequence, not only to our eſtabliſhed 'religion, but even to natural religion itſelf. In our 'antient polity, both religious and civil, it was a 'wiſe maxim, never to oblige or allow a man to 'ſwear in any caſe where ſelf-intereſt was concerned, 'eſpecially when the circumſtances of the caſe were 'ſuch as made it impoſſible to convict him of perjury, 'even though he ſhould be guilty of it; but this 'maxim ſeems to be quite overturned by this bill, 'and, therefore, I am convinced it will introduce 'amongſt us an utter contempt of perjury, which is 'always followed by an utter contempt of religion[a].'

But will the unreſtrained practice of peculation, without oaths, be found conſiſtent with religion and morality? Government, we know, never heſitates about expoſing the merchant, tradeſman, manufacturer, or ſhip-

[a] Deb. Lords, vi. 374.

ſhipmaſter to the danger of perjury for the ſake of the revenue.

Some of the tools of power inſiſted in Mr. *Gordon*'s time, *A. D.* 1722, as he tells us [a], that 'matters are 'come to that paſs that we muſt either receive the pre-'tender, or keep him out with bribes and ſtanding 'armies. That the nation is ſo corrupt, that there 'is no governing it by any other means. And, in 'ſhort, that we muſt ſubmit to this great evil, to pre-'vent a greater; as if any miſchief could be more 'terrible than the higheſt and moſt terrible of all 'miſchiefs, univerſal corruption and a military govern-'ment. It is indeed impoſſible for the ſubtilty of 'traitors, the malice of devils, or the cunning and 'cruelty of our moſt implacable enemies, to ſuggeſt 'ſtronger motives for the undermining and overthrow 'of our excellent eſtabliſhment, which is built upon 'the deſtruction of tyranny, and can ſtand upon no 'other bottom. It is madneſs in extremity, to hope 'that a government founded upon liberty, and the 'free choice of the aſſertors of it, can be ſupported 'by other principles; and whoever would maintain 'it by contrary ones, intends to blow it up, let him 'alledge what he will. This gives me every day 'new reaſons to believe what I have long ſuſpected; 'for if ever a queſtion ſhould ariſe, Whether a nation 'ſhall ſubmit to certain ruin, or ſtruggle for a re-'medy? theſe gentlemen well know which ſide they 'will chuſe, and certainly intend that which they 'muſt chuſe. I am willing to think, that thoſe im-'potent babblers ſpeak not the ſenſe of their ſuperiors, 'but would make ſervile court to them from topicks 'which they abhor. Their ſuperiors muſt know, that it 'is

[a] TRACTS, 1. 335.

'is raving and phrenzy to affirm, that a free people 'can be long governed by impotent terrors, that 'millions will consent to be ruined by the corrup- 'tion of a few; or that those few will join in their 'ruin any longer than the corruption lasts. That 'every day new and greater demands will rise upon 'the corruptors; that no revenue, how great soever, 'will feed the voraciousness of the corrupted; and 'that every disappointment will make them turn upon 'the oppressors of their country, and fall into its true 'interest and their own. That there is no way in 'nature to preserve a revolution in government but mak- 'ing the people easy under it, and shewing them their 'interest in it; and that corruption, bribery, and ter- 'rors will make no lasting friends, but infinite and 'implacable enemies; and that the best security of a 'prince amongst free people, is the affections of his 'people, which he can always gain by making their 'interest his own, and by shewing that all his views 'tend to their good. They will then, as they love 'themselves, love him, and defend him who defends 'them. Upon this faithful basis, his safety will be 'better established, than upon the ambitious and 'variable leaders of a few legions, who may be cor- 'rupted, disobliged, or surprized, and often have been 'so; and hence great revolutions have been brought 'about, and great nations undone, only by the 'revolt of single regiments. Shew a nation their 'interest, and they will certainly fall into it. A 'whole people can have no ambition but to be go- 'verned justly, and when they are so, the intrigues 'and dissatisfactions of particulars will fall upon their 'own heads. What has any of our former courts 'ever got by corruption, but to disaffect the people, 'and weaken themselves? Let us now think of other

'methods,

'methods, if it is only for the ſake of the experi-
'ment. The ways of corruption have been tried long
'enough in paſt adminiſtrations. Let us try, in this,
'what public honeſty will do, and not condemn it,
'before we have fully proved it, and found it ineffec-
'tual; and it will be time enough to try other methods
'when this fails.'

'That all-beholding eye which controuls the uni-
'verſe, pierces through all diſguiſes, and perceives,
'that the diffuſion of vice through this nation is
'derived from one ſource, the corruption of the
'great; which, promoted by the moſt aſſiduous arts,
'and vindicated by venal eloquence, has, at length,
'abſorbed all regard for the community into the two
'ſelfiſh paſſions of ambition and avarice. And when
'the moſt vigorous effort [by a place-bill] was made
'to purge that place [the houſe of commons] which
'once cleanſed, would have transfuſed its own purity
'through all orders and degrees of men, did not the
'flagitious oppoſition to that attempt, ſo eſſential to
'the very being of virtue, and ſolicited by the earneſt
'and univerſal cry of the whole people, produce
'an inſtance of ſupererogatory proſtitution, which
'drew wonder from a miniſter? For want of this
'barrier to confine corruption, honeſty has been put
'up to public ſale, and found its price, to the coſt of
'a nation twice betrayed; hence a looſe has been
'given to public profuſion, and rapine, unchecked,
'and unchaſtiſed; and the illicit gains have been as
'profuſely ſquandered by individuals, in luxury, ſen-
'ſuality, and every unmanly gratification; and hence
'the means of obtaining theſe ignominious emolu-
'ments have been purchaſed by involving the nation
'in perjury, treachery, and a general diſſolution of
'manners [a].'

[a] *Gord.* TRACTS, II. 269.

Only able men are equal to the weight of juſt government. Every blockhead is capable of the ſcheme of government we have ſeen carried on in this country (not in the preſent incorrupt times) becauſe every blockhead can pay a ſet of hirelings, while he can find the aſſets. To make ſtraight what is crooked, to level mountains and raiſe vallies, to redreſs what is wrong, is matter of labour, as well as of genius, and miniſters love eaſe better than toil, and the card-table and bottle of *Burgundy* better than reading and thinking. Then they cry out, You muſt not expect that ſtateſmen ſhould make themſelves gally-ſlaves. Thus even lazineſs is dragged in as an apology for corruption. And then they pay on and drudge on in the beaten track, and all is well ſo long as they can hold their places; for their pockets are growing fuller and fuller every day. But the excellent *Davenant* ſhews this manner of reckoning to be fallacious, and that ſtateſmen could not make ſuch concluſions, if their calculations were juſt.

'What great hazard is there for a miniſter to con-
'tend with the intrigues of here and there a courtier,
'diſcontented becauſe his immoderate hopes of getting
'are not gratified? Or to ſuffer the obloquies of
'a devouring crew, who may, perhaps, be angry
'becauſe the public is no longer expoſed to be their
'prey, and that they cannot make their wonted gains
'by the high intereſt of money, large premiums, and
'by diſcounting tallies? Is it not much more ſafe and
'eaſy to bear all this, than to have an army mutinous
'for want of pay, ſeamen clamorous for their wages,
'the family officers grumbling for the want of their
'arrears, and at the ſame time, the whole people
'groaning under the weight of heavy taxes? All
'which

'which are the ſad effects of negligence and profu-
'ſion in a court [a].'

'It is true, an honeſt and wiſe miniſter, who ob-
'ſerves this conduct, and is more frugal for the pub-
'lic than in his own private affairs, cannot avoid
'raiſing many enemies. In a bad age it is a virtue not
'without its dangers. They who have been ſo long
'fed with corruption, that their ſtomachs can digeſt
'no other diet, will diſlike ſuch meaſures; and a
'man treading theſe ſteps muſt arm himſelf with
'patience, for his temper muſt be often tried. They
'who would ſteal the golden apples, will hate the
'watchful eyes that are upon them; and he who
'undertakes this poſt, is to expect that ſecret malice
'will be working in the dark to undermine him:
'Perhaps he may be purſued by the moſt intereſted
'part of mankind with open clamours. Advantages
'will be taken of the leaſt trip he makes. He muſt look
'for traverſes, to be traduced, and to have his actions
'ſcanned and miſinterpreted. However, let him per-
'ſevere, for if a ſtate be not quite devoted to ruin, he
'who acts thus uprightly for it, and with ſuch care,
'will overcome all difficulties; and the wiſdom and
'juſtice of his counſels will, at laſt, meet with uni-
'verſal approbation [b].'

'When ſuch as have this poſt are vigilant and fru-
'gal for the public, thoſe in lower ſtations think it
'needful to tread in the ſame ſteps. When they who
'ſit at helm have clean hands themſelves, they can
'compel thoſe below them to be honeſt; and hope
'of reward, or fear of puniſhment, working more than
'ſenſe of duty, men begin to find it their intereſt to
'quit the ill courſes they were in, eſpecially when

[a] *Daven.* IV. 426. [b] Ibid. 425.

'they see they have not the corruption of those above 'them to resort to as a refuge. Thus great examples 'from chief ministers may, by degrees, restore the 'affairs of a whole kingdom. Besides, their vigi- 'lance and frugality give such credit, and add such 'real strength to any state, that they who rule it will 'soon be able to reform abuses. On the other hand, 'where there is a corrupt, negligent, and profuse 'administration, does any thing go right? Is not the 'bad influence of it felt from top to bottom? Who 'is there that thinks it worth his while to serve well? 'When the public is exposed to plunder, does not 'almost every man forget the duties of his office, and 'employ his whole thoughts in contriving how he 'may have as large a share of the booty as any of his 'fellow robbers? And do not the great thieves pro- 'tect the less? In a state so disordered, what is there 'to induce men to discharge their duty, but some- 'times honour[a]?'

'In the year 1711, when the tories were endea- 'vouring to overturn the whig administration, which 'had reduced the power of *France* so low, and were 'projecting the infamous treaty of *Utrecht*, *Burnet* says, 'They finding the house of lords could not be brought 'to favour their designs, resolved to make an expe- 'riment, which none of our princes ventured upon 'in former times; a resolution was taken of making 'twelve peers at once. What has been the conduct 'of the minister under similar circumstances? has 'he not advised the creation of sixteen new 'peerages, not, indeed, at once; that would have 'been too explicit a declaration of his motives, but 'all in the space of two years; and not content with 'this,

[a] *Dawen.* IV. 423.

'this, he has likewiſe adviſed the giving penſions to 'a great number of that houſe, under the denomina- 'tion, indeed, of lords of the bed-chamber; but as 'the number of theſe lords has been increaſed in the 'preſent reign from twelve to twenty-two, the fact is, 'that by whatever name they are called, the king has 'ſo many more ſervants in his pay in that houſe, and 'the m——— has the rod of deprivation hanging 'over their heads, which has lately fallen moſt heavily 'upon thoſe who have preſumed to exerciſe their free- 'dom of voting againſt what he recommended. But 'in the other houſe, and where it is more mate- 'rial, this meaſure has been carried much farther. 'We are informed by hiſtory, that from the time of 'the revolution, it has been the characteriſtic mark 'of thoſe who oppoſed any increaſe of power in the 'crown, to contrive by-laws, and every other method, 'to prevent the influence of the crown in that houſe. 'Several acts of parliament have been paſſed to limit 'the number of officers who received their places 'from the crown, to have ſeats in the houſe of com- 'mons, and one particularly during the whig admi- 'niſtration of queen *Anne*, which declares that no 'perſon poſſeſſed of an office, created after ſuch a 'period, ſhould be capable of a ſeat in that houſe; 'and this was afterwards enforced by another of 1 *Geo.* 'I. which was propoſed by Mr. *Stanhope*, ſecretary 'of ſtate, and reſtrained perſons having penſions dur- 'ing pleaſure, from ſitting in the houſe of commons. 'Theſe laws were paſſed to be a reſtraint on the 'crown, they are now in force, and mean to provide 'for the liberty of the people, by preventing the 'crown from creating a dependance upon it in the 'repreſentatives: but, like other human inſtitutions, 'they have been evaded; when a miniſter ſhall pre-

'ſume to adviſe, in the teeth of thoſe acts of par-
'liament, the creation of ſuch a number of grooms
'of the bed-chamber, clerks of the green cloth, and
'other officers of the houſhold, each with a ſalary of
'500 *l. per annum*, as to be double the number of
'theſe of his late majeſty; and when ſome gentle-
'men have been removed from theſe employments
'with penſions, to make room for members of the
'houſe of commons, that the law might be only
'evaded, not openly violated; and when we ſee
'gentlemen of the firſt fortunes, and who have the
'two laſt reigns prided themſelves in their indepen-
'dency, eagerly and meanly thruſting themſelves into
'this pitiful penſion; I ſay, when we conſider theſe
'things, where is the ſecurity of laws, or upon what
'principles of the conſtitution can theſe meaſures be
'defended? The reaſon, I underſtand, the miniſter
'gives for purſuing this meaſure, is the union of
'parties; the larger the ſource of bounty in the
'crown, the more general will be its dues. This
'may be plauſible reaſoning, but the fact is, and of
'this I confeſs myſelf jealous, that by theſe penſions,
'the crown has increaſed its influence in the houſe
'of commons; and with regard to the act of queen
'*Anne*, if a liſt of new erected places ſhould, as was
'done the beginning of the late reign, be ordered to
'be laid upon the table of the houſe of commons,
'I cannot ſee but that thoſe of the ſupernumerary
'offices of the houſhold muſt be of the number;
'otherwiſe the crown may, in any future emergency,
'create as many as ſhall then be found neceſſary to
'anſwer the purpoſes of the miniſter [a].'

There

[a] CATO'S LETT. I. 51.

There ariſes infinite miſchief from the ambition of particulars. But what ambition? The ambition of ſhining in the eyes of men of diſcernment? Of excelling in knowledge, or in virtue? Of being bleſſings to their country, and tutelar gods to mankind? Nothing leſs. Their ambition is only to get into *ranks* and *places*, which are diſtinguiſhed; not to be men of diſtinguiſhed *characters* in thoſe ranks and places. They have not the ſenſe to conſider, that the cringing of the multitude is not to the *man*, but to the *ſtar* and *garter*, the long wig, or the lacquered chair.

Compare a true great man, with a mean man in a great place, an *Epaminondas* with an *Alexander*, a *Scipio* with a *Cæſar*, a *Trajan* with a *Ch.* V. the effect will be the ſame, as that of placing an oriental diamond by a *Briſtol* ſtone.

'When vanity, luxury, and prodigality are in 'faſhion, the deſire of riches muſt neceſſarily increaſe 'in proportion to them: and when the power is in 'the hands of baſe, mercenary perſons, they will 'always (to uſe the courtiers phraſe) make as much 'profit of their places as they can. Not only matters 'of favour, but of juſtice too, will be expoſed to ſale; 'and no way will be open to honours or magiſtracies, 'but paying largely for them. He that gets an office 'by theſe means, will not execute it gratis: he 'thinks he may ſell what he has bought, and would 'not have entered by corrupt ways, if he had not in-'tended to deal corruptly [a].'

'However we ſhall venture to affirm, that if this 'nation ſhould ever be under any great diſorder, the 'trueſt courſe to mend it, will be to plant in the

[a] CATO'S LETT. I. 201.

'minds of the better ſorts morality, and the ſhame of 'doing ill to their country; and we ſhall preſume to 'aſſert, that obſerving the rules and dictates of virtue, 'does not only lead to heaven and a bleſſed ſtate here-'after, but it is the beſt way of ſecuring to a people 'in general, proſperity, peace, ſafety, and happineſs, 'in this preſent world [a].'

CHAP. VII.

Bills, Statutes, Reſolutions, Speeches, &c. ſhewing the Senſe of Mankind on the Evil of Placemen and Penſioners in Parliament.

'THE general principle, ſays the author of the 'DISSERTATION UPON PARTIES, p. 198. 'That parliaments ought to be independent on the 'crown, hath not only been always the ſame, but it 'hath been always ſo declared in the moſt authentic 'and ſolemn manner; and parliaments have not been 'more intent on any national concern whatever, than 'on maintaining this principle, and ſecuring the ef-'fects of it. I ſay, parliaments have been conſtantly 'thus intent, and eſpecially in the beſt times, during 'more than three centuries at leaſt; for I would not 'go back too far, nor grope unneceſſarily in the dark. 'What elſe did thoſe laws mean, that were made in 'the time of the *Lancaſter* kings to regulate the elec-'tions, and to prevent the influence, which *Rich.* II. 'had illegally and arbitrarily employed, and which 'there was room to fear that other princes might 'employ? What elſe do all thoſe reſolutions, all thoſe 'acts of parliament mean, that have been made ſo 'often,

[a] *Daven.* II. 321.

'often, and enforced ſo ſtrongly from time to time, 'and from thoſe days to theſe, againſt the influence of 'the crown, either on the elections, or on the mem-'bers of parliament?'

'There is another queſtion which I muſt aſk. 'If this be ſo, what do theſe men mean, who are em-'ployed, or rather what does he mean' [*Walpole*] 'who 'employs them, to plead in all places and on all 'occaſions, even the moſt ſolemn, in favour of this 'very influence, nay of the very worſt ſort of it; of 'that influence which is created immediately by cor-'ruption; for to that their arguments reach, by unde-'niable conſequence. Reaſon is againſt him and 'them, ſince it is a plain abſurdity to ſuppoſe a 'controul on the crown, (and they have not yet ven-'tured to ſuppoſe the contrary that I know of) and to 'eſtabliſh at the ſame time a power and even a right 'in the crown to render this controul uſeleſs. Expe-'rience is againſt them, ſince the examples of other 'countries, and at ſome times (former times I mean) 'of our own, have proved that a prince may govern 'according to his arbitrary will, or that of his mere 'arbitrary miniſter, as abſolutely, and much more 'ſecurely *with*, than *without* the concurrence of a 'parliament. Authority, even the uniform authority 'of our whole legiſlature is againſt them. The voice 'of our law gives them the lye. How then ſhall we 'account for this proceeding; this open and deſpe-'rate attack upon our conſtitution, and therefore upon 'our liberty? Have theſe great men made any nice 'diſcovery that eſcaped the ſagacity of our anceſtors, 'and is above the narrow conceptions of all other 'men except themſelves at this time? Is it leſs fit 'now, than the wiſdom of this nation hath judged it 'to be for ſo many ages, that kings ſhould govern

'under the conſtitutional *controul* of two other eſ-
'tates [a]?'

The XXXIſt article of *Magna Charta* reſtrains the king's officers from holding pleas of the crown. *Nullus vicecomes, conſtabularius, &c.* [b]

So early as *A. D.* 1375, the commons were ſenſible of the neceſſity of a place-bill. For in that year, they petitioned the king, that no member for county, or city, be a collector of taxes [c].

The ſenſe of our anceſtors on pluralities, and incompatible places, appears by an act made, *A. D.* 1413, That no under-ſheriff, ſheriffs clerk, receiver, or bailiff, be attorney in the king's courts, while in any of thoſe offices. At the ſame time was paſſed an act to prevent frauds in elections [d].

In the parliament of *A. D.* 1451, it was provided, that no member ſhould be a commiſſioner or collector [e].

'We know,' (ſays the brave *Fletcher* of *Scotland*) 'that the cuſtoms have been taken from the farmers [the cuſtoms were then farmed in *Britain* as now in *France*] 'only to beſtow the collectors places upon 'parliament men [in *Scotland.*] Shall we make good 'ſuch funds as are exhauſted by bribing men to betray 'our liberty? If any juſtice were to be found in this 'nation, the adviſers of ſuch meaſures had long ago 'been brought to a ſcaffold. There is no crime under 'heaven more enormous, more treacherous, and more 'deſtructive to the very nature of our government, 'than

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[a] DISSERTATION ON PARTIES, 198.

[b] *Brady*, II. Append. p. 134.

[c] PARL. HIST. I. 337.

[d] *Rapin*, I. 505.

[e] PARL. HIST. II. 278.

'than that of bribing parliament[a].' What would this ſtaunch old *Scot* have ſaid, if he had ſeen ſome hundreds of notorious placemen ſitting in the *Britiſh* ſenate, and voting 600,000*l.* at once out of the pockets of the poor people, to make good deficiencies in the civil liſt, exhauſted by * * *hiatus* * * ?

On occaſion of the king's attorney being elected a member, *A. D.* 1614, Sir *Roger Owen* ſaid, No attorney had ever been choſen, nor antiently any privy counſellor, nor any who took livery of the king. That, 7 *Rich.* II. a knight banneret was put out of the houſe. Sir *Thomas More*, who had been himſelf chancellor, and ſpeaker, ſays, 'The eye of a courtier 'can endure no colour, but one; the king's livery 'dazzling his ſight.' He compares them to clouds gilded by the ſun's rays, and to braſs coin, which the king's ſtamp makes current. After ſearching of precedents, it was reſolved, That *Noy* ſhould ſit the remainder of the parliament; but no attorney-general after him[b].

Penſioning was got to ſuch a height, *A. D.* 1618, that an order was obtained from the king to the officers of the exchequer to pay no penſion that he ſhall grant for the future[c].

Even the king-killing parliament (*Que Dieu m'en conſerve*, the *French* ſay, when they are frightened, *et la ſainte Vierge*) propoſed that no perſon ſerving for wages be a voter. How abſurd then that members themſelves be ſervants receiving wages of thoſe whoſe intereſt it is to plunder and enſlave their fellow ſubjects. They likewiſe exclude all members of councils of

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[a] *Fletcher*, p. 357. [b] PARL. HIST. v. 295.
[c] ACT. REG. IV. 305.

of ſtate, officers in army or garriſon, treaſurers, or receivers of public money, and lawyers, 'to the end all 'officers of ſtate may be certainly accountable, and 'no factious men to maintain corrupt intereſts.' They likewiſe propoſe very good regulations for carrying on elections, and reſtrain their propoſed parliament from ſeveral things, as impreſſing men for foreign ſervice, making void public ſecurities, puniſhing arbitrarily without authority of law, men before the offence; giving up or taking away any of the common rights of the people [a].

A. D. 1643, an attempt toward a place-bill was made. There was no great want of it in thoſe days, the court having few places to diſpoſe of. Yet *Ch.* I. tells his *Oxford* parliament, that moſt of them were in his ſervice. This probably gave riſe to the ſelf-denying ordinance [b].

The ſelf-denying ordinance, *A. D.* 1645, was a ſignal exhibition, and *inſtar omnium*, of the ſenſe of parliament, on this ſubject. It enacts by the authority of lords and commons, that all members of both houſes be at the end of 40 days diſcharged from holding any place, civil or military, granted by parliament ſince *Nov.* 1640. All other officers, commanders, &c. to continue as before. The benefit of all offices, neither military nor judicial, hereafter to be granted by parliament, to go to ſuch public uſe as parliament ſhall appoint, leaving to the perſons holding ſuch offices only ſuch a competent ſalary as parliament ſhall appoint. Some places and offices are excepted [c]. But Mr. *Prynne* ſeverely accuſes the members of violating the ſelf-denying ordinance. 'There is ſcarce one 'day,

[a] PARL. HIST. XVIII. 526, 527.
[b] Ibid. XII. 463. [c] Ibid. XIII. 443.

'day, says he, or week at least, doth pass, but we are 'still bestowing some place or office upon members, 'for which we are censured in pamphlets,' &c. [a]

'What do the enemy say? Nay, what do many say 'who were friends at the beginning of this parliament? Even this, that the members of both houses 'have got great places and commands, and the sword 'into their hands. What by interest in parliament, 'what by power in the army, they will perpetually 'continue themselves in grandeur, and not permit the 'war speedily to end, lest their own power should 'determine with it.' The words of *Cromwel* on the self-denying ordinance [b]. The self-denying ordinance passes the commons, is rejected by the lords, sent again to the lords, and passed by them after four months [c]; which, says *Whitelock*, began the fatal difference between the two houses, which ended in cutting off the lords from parliament. Shameful that the lords with their great estates should be more greedy than the commons.

'Parliaments were thought by the known laws of 'our nation to advise and regulate unruly kings [d].' [Not then surely to hold places under kings.]

Leave was given, *A. D.* 1679, to bring in a bill for vacating the seat of members, accepting places [e].

The commons concluded the year 1680 with a vote worthy to be inscribed in letters of gold on the most conspicuous place in St. *Stephen*'s chapel; That no member of the house should accept of any office or place of profit from the crown, without leave of the house, nor promise of any such office, or place of profit,

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[a] Parl. Hist. xviii. 322.
[b] *Rapin*, ii. 513. [c] Ibid. ii. 516.
[d] *Milt.* Eik. 22. [e] Deb. Com. i. 348.

profit, during ſuch time as he continued a member of the houſe [a].

Againſt penſioners in parliament, *A. D.* 1681, an anonymous ſpeaker argues as follows.

'The name of a penſioner is diſtaſteful to every '*Engliſh* ſpirit; and all penſioners, I think, are ſuf-'ficiently deſpiſed by their countrymen [b].' He expatiates on a penſioner's breach of truſt; his pocketing what is given by the people for the neceſſary charges of government. He obſerves, that receiving a penſion is plundering the people, and diſtreſſing the king, and putting him and his miniſtry on wicked ſhifts, to ſatisfy a ſet of blood-ſuckers, which is endleſs; for the more the court gives, the more it muſt go on to give. That it naturally leads a king to think hardly of the moſt faithful counſellors, and incorrupt parliaments, who reſtrain the boundleſs waſte of the public money. That it lays us open to our enemies abroad by exhauſting our treaſure, which ſhould arm us againſt them, and diſables us for paying our heavy debts. He obſerves, that the penſioners of the penſion-parliament called themſelves the king's friends, and ſo they do now. That endeavours were uſed, but ineffectually, about 10 *Rich.* II. to get a corrupt parliament [c]. That there was another unſucceſsful attempt about *A. D.* 1459, or 60. That about 20 *Hen.* VIII. many of the king's dependents were in the houſe. But it does not appear that any parliament generally took money to vote, till the penſion parliament, under *Ch.* II. [Every miſchief muſt originate from a *Stuart.*] That parliament 'perverted the very end of parlia-'ments,

[a] *Rapin*, II. 719.

[b] Deb. Com. II. 148. [c] Ibid. 150.

'ments, which have been and are the great refuge of 'the nation, which cure all its diſeaſes, and heal all 'its ſores. But thoſe men' [the penſion-parliament] 'had made it a ſnare to the nation, and at beſt had 'brought it to be a mere engine to get money.' Every parliament which allows this evil practice is partaker of this ſin [a]. He propoſes that the penſioners be obliged to confeſs their fault on their knees, before the houſe of commons, one by one, and that they refund. 'Our law, ſays he, does not allow a thief to keep what 'he has gotten by ſtealth, but of courſe orders reſti-'tution. And ſhall theſe proud robbers of the nation 'not reſtore their ill gotten goods?' He then propoſes that every one of them be voted incapable of ſitting in parliament, or holding any office, civil or military; 'For it is not fit, that they who were ſo falſe and 'unjuſt in that truſt, ſhould ever be truſted again [b].' He ſays there ought to be a 'ſufficient mark of in-'famy ſet on them, that the people may know who 'has bought and ſold them.'

A debate in the houſe of commons, *A. D.* 1689, about excluding placemen from thence, proved warm and obſtinate. Carried for the placemen, becauſe 'otherwiſe the fitteſt perſons for public employments 'would remain excluded, and be deprived of the op-'portunity of ſerving either king or country [c].'

Some lords proteſt, *A. D.* 1693, againſt the ſpeaker of the commons being allowed to ſit, though he had taken a place, becauſe the ſpeaker, if corrupt, could do more miſchief than a private member [d].

A bill

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[a] Deb. Com. i. 151. [b] Ibid.
[c] *Vind.* Contin. i. 116.
[d] Deb. Lords, i. 422.

A bill was ſent from the commons, *A. D.* 1693, for incapacitating ſeveral perſons holding places civil and military from ſitting in the houſe of commons. The court lords oppoſe it vehemently. The earl of *Mulgrave* ſpoke for it. It appears by the ſpeech, that the act was not then made which vacates the ſeat of a placeman, and obliges him to be re-elected. The courtiers brought, inſtead of this, a bill for the frequent meeting of parliaments. But *William* having no mind to part with the preſent during the war, refuſed his aſſent, though paſſed by both houſes [a].

A bill was brought in, *A. D.* 1690, to enable commiſſioners to take an account of all public monies, to be nominated by the commons, and might be members; but none to be dependant on, or accountable to the king or queen. To be choſen by ballot. Every member to put into a glaſs a liſt of the nine gentlemen he judged the fitteſt. Sir *Samuel Barnardiſton* being choſen, owned, that he was one of the accountants to their majeſties; on which another was put in his room. Some time afterwards, however, a new ſet of commiſſioners being to be choſen, Sir *Samuel* was one. Whether he kept his accountant's place at the ſame time, does not appear [b].

One of the heads of the bill of ſucceſſion, made in king *William*'s time, was, That no placeman or penſioner under the king ſhall be a member of the houſe of commons.

Reſolved, *A. D.* 1699, That no perſon be a truſtee for the forfeited *Iriſh* eſtates, who has any place of profit

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[a] Deb. Lords, i. 417.

[b] Deb. Com. ii. 378, 381, 388.

profit or truſt, or is accountable to the king, or is a member of parliament [a].

A bill was paſſed by the commons, the ſame year, for reſtraining the number of officers in parliament [b]. Rejected by the lords.

Reſolved, the ſame year, That no member of the houſe of commons be a farmer, or manager of exciſe [c].

A bill to prevent parliament men taking places, was ſent to the lords, *A. D.* 1692. It was propoſed, that thoſe who accepted places, ſhould be incapacitated. The bill was committed by the lords to a grand committee. Thrown out in the houſe of peers by two voices. This parliament was called the officers parliament, from the great number of them in the houſe. The people began to be afraid of falling under military government. Ambitious men aimed at popularity by promoting the place-bill. Government preferred them. They then went over to the court. Then the cry was, That the court was corrupting the houſe. The bill was rejected by the lords for a profound reaſon. 'It ſeemed to eſtabliſh (they ſaid) an 'oppoſition between the crown and the people, as 'if thoſe who were employed by one, could not be 'truſted by the other.' And who can deny this? The very idea of a repreſentative ſhould be, one wholly detached from every connexion with all but his conſtituents. Can a repreſentative be too free? Another employment is many times inconſiſtent with a ſeat in the houſe. An officer ought to be keeping his men in order. Or is the buſineſs of an officer in the army, like that of a church-officer? Some places

[a] Deb. Com. III. 125. [b] Ibid. III. 94.
[c] Ibid. III. 124.

depend for their profits, on the quantity of money given by parliament. Is not this a temptation to vote away the people's money? Is not parliamentary privilege enough for one perſon to hold, without his having a place and penſion beſides? Have not the nobility and the court power enough, without lording it in the houſe of commons too? What good or lawful deſign can a king or miniſter have, in giving a place to a member? Will it attach him more to his country's intereſt? or to that of the court? which two are almoſt always oppoſite. One vote may determine the fate of a nation [a].

William III. *A. D.* 1693, rejects the place-bill, though approved by both houſes, and though it only hindered members taking places while members. The commons reſolved, 'That whoever gave the king 'advice to refuſe the royal aſſent to a bill, which was 'to redreſs a grievance, and take off a ſcandal from 'the proceedings of the commons in parliament, is an 'enemy to king and country, &c.' A repreſentation to the king was drawn up, in which was a paragraph (afterwards rejected) ſignifying that members of parliament are reſponſible to their conſtituents; that the conſtituents will probably be offended at the refuſal, and the commons knew not how to appeaſe them, &c. Inſtead of this, ſuch was the prevalency of court-influence, that they put a paragraph, praying that for the future, the king would follow the advice of his parliament, and not that of private and intereſted perſons. The king gives a general anſwer, the matter drops [b].

The commons order in a bill, *Dec.* 13, 1696, That no perſon be elected member of parliament, who holds any office, or employment of profit under the government,

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[a] *Tind.* CONTIN. 1. 227, 229. [b] Ibid. 1. 250.

ment, nor any member accept a place or employment[a].

There are two clauſes, 12 and 13 *Will.* III. cap. 2. by which all offices of truſt, and all penſions from the crown, are made diſqualifications[b]. This is the very *ſalvo* we wanted. But (behold the misfortune!) this excellent regulation never came to be in force: for it was not to take place before the arrival of a certain event (the *Hanover* family's ſucceſſion, I ſuppoſe) and was too good for this nation; therefore was repealed before that time. But the author of FACTION DETECTED ſays, the clauſe concerning penſions has been reſtored ſince, *viz. A. D.* 1715; by a ſtatute in which year a penalty was appointed of 20*l.* a day for any perſon ſitting, or voting, who has a penſion from the crown for any term, ſhort of life.

The lords having by the regency-bill rejected the clauſe inſerted in an act paſſed ſome years before for ſettling the ſucceſſion, by which all civil and military officers were made incapable of ſitting or voting in the houſe of commons after the queen's deceaſe, and having ſent down that bill to the commons, they ſeeing the barrier againſt court power thrown down, reſolved in ſome meaſure to repair it by admitting only 47 civil and military officers into their houſe, and among them 10 privy counſellors; 5 flag officers, and as many generals. The bill thus amended, was ſent up again to the lords, who (to ſhew themſelves always friends to integrity, and enemies to corruption and tyranny) altered it, excluding only the commiſſioners of the prize-office, and all ſuch new officers, as the court might create in time to come. Debates and conferences

[a] *Tind.* CONTIN. I. 227.

[b] STAT. AT LARGE, III. 508.

followed [a]. 'The court party endeavoured to ſhew the 'injuſtice of excluding thoſe, who were actually per-'forming ſervices to the nation.' [If they were, how ſhould they ſerve in the houſe of commons?] That this would be a reſtraint on the liberty of the counties and corporations, [it would reſtrain them indeed from injuring their country]; that it would diſcourage brave men from ſerving their country in war, when they found they were to be diſgraced by excluſion from the houſe of commons. The oppoſite party argued, that a bad prince might make a bad uſe of his creatures and dependents in the houſe of commons. The bill was once likely to be carried, poſtponing ſome of the lords amendments, [*i. e.* their amendments the wrong way] but the court party being reinforced by ſome coming round, who uſed to be on the contrary ſide, [bribed moſt probably] the lords amendments were approved with a few alterations, to which the lords agreed [b].

A. D. 1704. To mortify ſome members, who had taken places, a bill was brought in 'for excluding out 'of the houſe of commons, all perſons in any offices 'or employments erected ſince *Feb.* 6, 1684, or to be 'erected [c].' Paſſed the commons immediately, but the lords (who had nothing to do with it) muſt go to tinkering it, and the commons not liking (as they had not much reaſon) their amendments, the bill was loſt. There was likewiſe another bill, immediately after, ſet on foot by the commons, 'to prevent perſons entitled 'by their offices to receive any benefit by public an-'nual taxes, to be granted, from being members of 'parliament: which being levelled againſt many brave 'and deſerving members, who ſerv'd the nation by 'ſea and land, occaſioned ſome murmurs; to ſtifle 'which,

[a] Der. Com. iii. 453. [b] Ibid. 454. [c] Ibid. 438.

'which, the commons empowered their committee to 'receive a clauſe, for excepting flag officers and cap-'tains in the navy, and all general officers and colonels 'of the land forces and marines;' [a fooliſh exception; they are ſome of the moſt dangerous people in parliament.] The bill paſſes in the negative.

A bill was brought into the *Scotch* parliament for ſecuring the ſucceſſion, in caſe of queen *Anne*'s death. It propoſed among other things, that no perſon ſhall have a vote in regulating the ſucceſſion, who has any place, mediately, or immediately, under the crown. That all election be by ballot. A leſſer baron to be added to parliament, for every new created nobleman, to balance the two houſes. The crown not to have the power of making peace and war without parliament. All the males between 16 and 60 to be trained. No indemnity for ſtate-crimes without conſent of parliament. No place or penſion in *Scotland* to be given, but by parliament [a].

Motion in the *Scotch* parliament, 1704, by lord *Anſtruther*, that no officer of the cuſtoms or exciſe, or collector, ſurveyor, manager of cuſtoms, nor any farmer of any branch of the revenue, ſhall be a member of parliament [b]; which was afterwards enacted [c].

'A general ſelf-denying bill was offered, *A. D.* '1705, by thoſe very men, who, in the firſt ſeſſion 'of parliament, when they hoped for places them-'ſelves, had oppoſed the motion for ſuch a bill with 'great indignation. Now the ſcene was a little 'altered. They ſaw they were not like to be favou-'rites, and therefore pretended to be patriots. This

[a] Deb. Lords, vii. 21. [b] Ibid. vii. 32.
[c] Ibid. vii. 35.

'looked so strangely in them, that it was rejected, 'but another bill of a more restrained nature passed, 'disabling certain officers from serving in parliament.' To this a general clause was added, which disabled all who held any office created since *A. D.* 1684, or any in future. Passed readily the commons. The lords thought it too comprehensive. Altered it to some particular disabilities. The commons refuse their alterations. The excellent bill drops. So the public good is bandied from party to party [a].

It was resolved, *A. D.* 1710, even under the tory-ministry, that no person be a commissioner (for stating the public accounts) who has any office of profit, or is accountable to the sovereign [b]. So suspicious were they of the effects of clashing interests. They allowed commissioners, however, to be chosen from the house of commons; not apprehending any effect from members holding such a sort of places, because they were not lucrative. They were chosen by ballot. One gentleman had 246 suffrages.

A bill was ordered in, *A. D.* 1711, for securing the freedom of parliaments, by limiting the number of officers in the house [c].

A committee was appointed by the house, *A. D.* 1711, to enquire what new offices or places of profit had been created or erected since the 30th *Oct.* 1705, and whether the number of commissioners for executing offices is increased, and to examine how the laws stand in respect of officers sitting in the house [d].

A bill (formerly often attempted) for disabling members from holding places, was brought into the tory

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[a] *Tind.* CONTIN. I. 685.
[b] DEB. COM. IV. 196.
[c] Ibid. IV. 255. [d] Ibid. 257.

tory parliament, *A. D.* 1711; but dropped. The qualification of 600 *l.* a year, for a knight of the ſhire, and 300 *l.* for a burgeſs, paſſed. The deſign was to exclude courtiers, military men, and merchants, and to increaſe the influence of the landed intereſt. The qualification was not extended to *Scotland* [a].

The bill for limiting the number of placemen in the houſe of commons was brought in and paſſed, *A. D.* 1712. 'The ſcandal of corruption was thought 'to be more flagrant than ever; for it was believed 'that men were not only bribed for a whole ſeſſion, 'but had new bribes for particular votes.'

Bill for ſecuring freedom of parliaments, by limiting the number of placemen in the houſe, read a ſecond time, and committed. And becauſe ſeveral bills for the ſame unqueſtionably ſalutary tendency had been loſt in the bleſſed houſe of peers, it was propoſed to tack it to a money bill. Queſtion put. Paſſes in the negative, 160 againſt 111. [b] This ſmells ſtrong of a colluſion between the two houſes, and that they both twiſted the ſame cord, though ſeemingly contrary ways and at oppoſite ends.

The ſelf-denying bill was brought into the houſe of commons, *A. D.* 1712, and paſſed. Many of the lords being irritated at the late creation of twelve new peers at once, it was expected it would paſs their houſe too. But their lordſhips ſeemed ſuddenly to alter their way of thinking of it; and whereas it was drawn to take place after the preſent parliament, they altered it, to take place after the death of the queen; ſo that it was no more thought of [c].

[a] *Tind.* CONTIN. I. 200.
[b] DEB. COM. V. 12. [c] *Burn.* IV. 363.

The commons reſolved themſelves into a committee of the whole houſe, *A. D.* 1715, to conſider of the ſeveral liſts of accounts, of annuities, penſions, bounties, &c. granted by the late queen, or his preſent majeſty. Several were mentioned by the diſcontents [that is, thoſe who had none themſelves] which were beſtowed on thoſe who had no need of them. A motion made for an addreſs to the king againſt them [becauſe we have no ſhare]. When it was moved to addreſs the king to retrench unneceſſary penſions; *Walpole* (in character) ſaid, 'You ought not to ſtint 'the king's benevolence, nor debar his majeſty [the miniſter] 'from the exerciſe of the moſt glorious 'branch of his royal prerogative, which is to beſtow 'his favours' [in ſordid pelf, and paltry pay] 'on 'ſuch as diſtinguiſh themſelves in his ſervice [a],' [that is, in doing dirty work].

Walpole and *Pulteney* reſign, *A. D.* 1720, becauſe lord *Townſend* was removed from his poſt of lieutenant of *Ireland*; and it was thought he influenced ſeveral members to oppoſe the ſupply againſt *Sweden*, which *Walpole* and *Pulteney* were for [b]. *Walpole* and *Pulteney* took care, both of them, to let the houſe know they had reſigned. What does this ſhew? That places are odious, and the honour is to reſign them. Why? becauſe of the filthy lucre attending them. Were they only laborious, or were men voted into them by their country for merit, it would be no brag to reſign them [c].

A. D. 1728, the famous ſelf-denying bill paſſed the commons, which provided, that no member ſhould ſit, till he had taken an oath, that he had no penſion during

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[a] Deb. Com. vi. 23.

[b] Ibid. vi. 120. [c] Ibid. 120, 121.

during pleaſure, or for any number of years, nor any office in part, or in whole, from the crown, held by any perſon for his benefit, and that he would not receive any ſuch emolument, during the time of his being a member, without giving notice to the houſe within 14 days after accepting the ſame, if parliament was ſitting, or after its firſt ſitting, on pain of wilful perjury, and incapacity of holding any office. Whoever refuſed, or neglected taking the oath, was to loſe his ſeat, and forfeit 30 *l.* each day he ſate without taking the oath. It would have been very barefaced for the commons to have refuſed this bill; for it only enacted, that no member ſhould be a court-tool without leave of the houſe. But, as the bill, if it had paſſed into a law, might have been troubleſome, it was contrived, that it ſhould be thrown out by the lords.

'It was now the opinion of the public, and not 'without foundation, that the miniſter [*Walpole*] ſuf-'fered the penſion-bill to paſs in the houſe of com-'mons, only becauſe he knew it would be thrown out 'in the houſe of lords [a].'

The following is the oath to be taken by members, if the penſion-bill, paſſed, *A. D.* 1731, by the commons, and rejected by the lords, had paſſed into a law; 'I, *A. B.* do ſolemnly and ſincerely ſwear, 'that I have not, directly or indirectly, any penſion 'during pleaſure, or for any number of years, from 'the crown, nor any office in part, or in the whole, 'from the crown, held for me, or for my benefit, 'by any perſon whatſoever. And I do ſolemnly and 'ſincerely promiſe and ſwear that I will not receive, 'accept,

[a] *Tind.* CONTIN. VIII. 101.

'accept, or take, directly or indirectly, during the 'time of my being a member of this parliament, any 'penſion during pleaſure, or for any number of years, 'or any other gratuity or reward whatever, &c. with-'out ſignifying the ſame to this houſe, within four-'teen days after I have received or accepted the 'ſame, if the parliament be then ſitting, or within 'fourteen days after the next meeting of the parlia-'ment. So help me God [a].'

Any member taking the oath, if found to have had a penſion at the time, during pleaſure, or for any number of years, &c. [as in the oath] without ſignifying the ſame to the houſe, was to be held guilty of perjury, and to ſuffer accordingly. Any member refuſing to take the oath, was to loſe his ſeat; or ſitting and voting, through overſight of the houſe, to forfeit 30 *l.* each day, and to be incapacitated for holding any office, &c.

A motion was made in the houſe of peers, *A. D.* 1730, to call for a liſt of penſions payable by the crown. Paſſes in the negative [b]. Several lords proteſted, Becauſe no inſtance can be given, that the liſt of penſioners was denied, when called for by either houſe. 'Becauſe we conceive, the refuſal will 'be miſinterpreted without doors, as it will raiſe a jea-'louſy that there are too many members upon the liſt, 'which aſperſion ought to have been obviated, by pro-'ducing thoſe liſts, as in former times has been fre-'quently done.'

A. D. 1731, it was moved in the houſe of commons, that a committee be appointed to enquire, 'whether any members of this houſe have, directly 'or

[a] Deb. Com. viii. Append.

[b] Deb. Lords, iv. 29.

'or indirectly, any penſions during pleaſure, or for 'any number of years, or any offices from the crown, 'held on truſt for them in part, or in the whole [a].' *Walpole* ſaid, this was turning the houſe of commons into a court of inquiſition: That if it was made effectual, it would oblige members to accuſe themſelves [b]. This, however, was trifling; for enquiry might have been made, and diſcoveries gained, as in all other caſes of roguery, by means entirely conſiſtent with liberty and the conſtitution.

Sandys moves, *A. D.* 1731, for a committee to enquire whether any member had any penſion, directly or indirectly, during pleaſure, or for years, or any office from the crown, holden in truſt for him in part or whole [c]. This motion was vigorouſly oppoſed, though the penſion-bill met with no oppoſition. It was carried in the negative, 206 to 143.

They did not chooſe, I ſuppoſe, to have it known what knaves they were. So a prudent pickpocket, being accuſed of purloining a miſſing watch in the company, where he was; declared himſelf very willing to purge himſelf by *oath*; but ſtrongly refuſed ſtanding the *ſearch*. It was obſerved, however, on that occaſion, that many members ſuſpected to be on the black liſt, voted for the enquiry, to ſave appearances, well knowing that it would not proceed.

A motion was made in the houſe of peers, *A. D.* 1732, for reſtraining officers concerned in the ſalt-duty from interpoſing in elections. Paſſed in the negative; though the ſame is eſtabliſhed with reſpect to other duties. Nineteen lords proteſted, becauſe the officers of the cuſtoms are immenſely numerous, and have

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[a] *Tind.* CONTIN. VIII. 101. [b] Ibid.

[c] DEB. COM. VII. 81.

have a prodigious influence in elections [a]. They form a second standing army, and often supply the place of the other, whose attendance at an election would be too gross a violation of the law. A house of commons influenced by the servants of the crown (it is observed by their lordships) might be 'a representative of an 'administration, or of a *minister*; but could no longer 'be a true representative of the *people*.' Parliaments are so great a check on ministers, that they have always endeavoured either to enable the crown to govern without them, or to influence their elections, or to corrupt them so thoroughly, that their efficiency shall be lost. The antiquity of the statutes for preventing these evils, shews how early they begun to prevail. There is little danger, since the revolution, of any attempt to govern without parliaments. 'The wisdom 'of this house has seemed, by rejecting the pension-'bill three times successively, to think the laws already 'in force sufficient to prevent corruption in the mem-'bers, but the influence of the servants of the crown 'in elections, must, in our opinion, be looked upon 'as a growing danger, whose consequences require 'the utmost watchfulness to prevent them, as the great 'multitude of the tax-gatherers are solely directed by 'the treasury. The number of these creatures of the 'court was too great before; and by the new estab-'lishment of this duty, it is to be increased, and, at 'the same time, no restraint laid on their power, 'which is the more dangerous as it does no violence 'openly to parliaments; but operates secretly, silently, 'and securely.'

A pension-bill passes the commons, *A. D.* 1733; lost again among the worthy lords, as before [b].

Several

[a] Deb. Lords, iv. 85, *et seq.*

[b] Deb. Com. vii. 285.

Several precedents were brought, *A. D.* 1733, of officers ſeats in the houſe vacated on their being promoted to governments of towns, forts, &c. Yet general *Wade* was allowed to ſit after his acceptance of the government of three forts in *Scotland*[a]. N. B. *Wade* was on the orthodox ſide.

Mr. *Sandys* moves, *A. D.* 1733, to bring in again the penſion-bill thrown out by the lords[b]. Which he ſaid had paſſed for two or three ſeſſions without oppoſition, and had as often been thrown out by the lords; that it had been obſerved, that there never was any thing brought into either houſe, that was in itſelf for the public good, but what by perſeverance was at laſt carried into a law. Truth and reaſon will prevail at laſt; which encouraged him again to renew this motion; that the bill was ready, and he deſired leave to bring it up. It was objected, That it was a new ſort of motion to aſk leave to *bring up* a bill. That the conſtant cuſtom had been to move for *leave to bring in* a bill. It was anſwered, that on occaſion of the ſuſpenſion of the *Habeas Corpus* act, the bill was brought up ready drawn, and paſſed without oppoſition.

'The remembrance of the exciſe ſcheme and the 'convention was revived [*A. D.* 1739.] and it was 'ſuggeſted, that they might have been fatal to the 'miniſter [*Walpole*] had he not had a majority of 'placemen in parliament, and therefore it was neceſ-'ſary to obtain a bill for excluding placemen and 'penſioners from ſitting in parliament[c].' Accordingly at a court at *Guildhall*, inſtructions were given the *London* members, 'that they ſhould make the 'paſſing

[a] *Tind.* CONTIN. VIII. 184.

[b] DEB. COM. VII. 261.

[c] *Tind.* CONTIN. VIII. 435.

'passing of a place and pension-bill a previous step to 'the passing of any money-bill whatsoever. The ex-'ample of the city of *London* was followed by the 'cities of *York* and *Salisbury*, and other great corpo-'rations all over *England*, though many of their 'members were known to have voted always on the 'side of the minister [a].'

The year 1739 is, above all others, famous for the place-bill then brought in, which occasioned a thorough agitation of that question, and produced many of the noblest harangues ever uttered in parliament or any where else; some extracts from which I have placed in this chapter [b].

A. D. 1740, a motion was made in the house of commons for a place-bill, with exception of 150 places, which were to have leave to sit in the house. Rejected, 222 against 206 [c].

In the *Devonshire* instructions, *A. D.* 1741, is the following article: 'Use your utmost endeavours to 'limit the number of placemen in, and to exclude pen-'sioners from the house of commons [d].'

It was ordered, the same year, that leave be given to bring in a bill for making more effectual the laws for disabling persons from being chosen members of or sitting or voting in the house of commons, who have any pension during pleasure, or for any number of years, or any office held in trust for them [e]. A place-bill was sent up to the lords the same year [f].

A bill for limiting officers in the house of commons was read a second time in the house of peers,

A. D.

[a] *Tind.* CONTIN. VIII. 435.

[b] DEB. COM. XI. 202. *et seq.*

[c] *Tind.* CONTIN. VIII. 452.

[d] DEB. COM. XII.

[e] Ibid. XIII. 187. [f] Ibid. 188.

A. D. 1741. Moved to commit it. Paſſes in the negative.

Several lords proteſted, becauſe they conceived that the conſtitution points out this bill as one of its principal ſecurities to preſerve the independency of the three ſeveral conſtituent parts of the ſupreme legiſlative power; for if any one of theſe becomes dependent on the other, the conſtitution is dangerouſly altered: But if any two become dependent on the third, it is totally ſubverted, and the wiſeſt eſtabliſhment that ever was formed of a free government, ſhrinks and degenerates into a monarchical, an ariſtocratical, or democratical faction; and ſhould the number of employments continue to increaſe, we may live to ſee a conſtant majority of placemen, meeting under the name of a parliament to eſtabliſh grievances inſtead of redreſſing them; and becauſe the freedom of parliament is not ſecured, by the law, which obliges a member who accepts a place to quit his ſeat, ſince experience ſhews, that he will be conſtantly re-elected. They obſerved, with concern, that a bill of this nature, had been thrice rejected by the commons. They ſaid it was near the end of the preſent parliament, and therefore it was particularly ſeaſonable, to provide for the freedom and independency of the next [a].

A. D. 1760, ſome new regulations were made by an act relating to a tax of one ſhilling in the pound on all places above 100 *l.* a-year; and the miniſtry took that opportunity of adding to the influence of the crown, by erecting a needleſs new office, and officers, while the commiſſioners of the land-tax might have done all the new buſineſs, as before [b].

In

[a] Deb. Lords, vii. 736.

[b] London Mag. *Feb.* 1760. p. 72.

In a committee of the whole houſe on the ſtate of the nation, *A. D.* 1770, it was propoſed, 'that leave 'be given to bring in a bill to diſqualify certain officers 'of the exciſe and cuſtoms for voting at elections 'for members of parliament[a].' The miniſtry gravely oppoſed ſuch a ſalutary bill, though it was obſerved to them, that our wiſe anceſtors had enacted, 'that 'no commiſſioner of the cuſtoms, or exciſe, ſhould ſit 'in the houſe of commons, or uſe intereſt in any elec-'tion.' If this queſtion could have been carried, it 'would have been productive of great advantage to 'the conſtitution, as the influence of the crown in 'elections is very alarming indeed: many ſea-port 'boroughs are almoſt entirely carried by the numbers 'of little places the court diſpoſes of there; and even 'in cities and counties the antiminiſterial candidate 'feels the power of the crown an heavy weight againſt 'him. We are not ſurprized at the court's carrying 'the queſtion, but a good deal ſo, that the country 'gentlemen, who have ſo long been exclaiming againſt 'the undue influence of the crown, ſhould join with 'them in this vote[b].'

A. D. 1772, Mr. *Sawbridge* moved the houſe of commons that a new writ might be iſſued for chuſing a member for *Warwick*, as lord *Greville*, the member for that town, was, according to the Gazette, appointed a commiſſioner of trade, which, by 6 *Anne*, c. 7. § 26. vacated his ſeat. That young nobleman was in the houſe. The miniſtry would not let him anſwer, whether he had accepted the place, or not. Mr. *Sawbridge* inſiſted, that his ſilence was ſufficient reaſon for concluding, that he had accepted. That it

[a] *Alm.* DEB. COM. VIII. 230. [b] Ibid. 231.

it must often be difficult, if not impossible, for the house to prove, that a member has accepted a place (most of them being sinecures,) that therefore the house had a right to demand of the person, so charged, a categorical answer. 'As the ministry durst not 'give a flat negative to the proposal, the words of 'the act being pretty clear, they were reduced to the 'chicane, that legal proof was not before the house. 'On this ground the matter was left. The ministry 'then moved for the order of the day, and carried it 'against issuing the writ, 117 to 7[a].' Had I been at Mr. *Sawbridge*'s elbow, I should have desired him to move, that the Statutes, which lie upon the table before the speaker, might be immediately carried out and burnt.

A. D. 1773, Sir *William Mayne*, moved for leave to bring in a bill for limiting the number of placemen and pensioners in the parliament of *Ireland*, and for enquiring into charges of government in *Ireland*, and what might be retrenched.

Placemen excluded from the house of commons, and not re-eligible by the laws now in being, summed up by the author of FACTION DETECTED BY FACTS, are the following, *viz.*

Commissioners, and farmers of excise; commissioners, comptrollers, auditors, of appeals; seven commissioners of revenue in *Ireland*; seven commissioners of the victualling office; the commissioner and clerk of the pells; all the deputies, inferior officers, and under-clerks of these offices; commissioners of the treasury, exchequer, and admiralty; secretaries of state, paymaster of the forces; great part of the *Gib-*

[a] *Alm.* DEB. IX. 336.

raltar and *Minorca* eſtabliſhments; all new revenue-officers, eſtabliſhed ſince 5 *W.* and *M.* all new placemen ſince 4 *Anne*, except thoſe in the army or navy; commiſſioners, ſub-commiſſioners, ſecretaries, receivers of prizes, comptrollers of the accounts of the army; commiſſioners of tranſports, of ſick and wounded; agents for regiments; commiſſioners for wine-licences; governors, and deputy-governors of plantations; commiſſioners of the navy in the out-ports; penſioners of the crown during pleaſure, or for a term of years. Riding, or ſplitting of places, is contrary to law. 500 *l.* fine for ſitting contrary to the law, by which places vacate ſeats. The fine recoverable by any perſon who ſhall ſue. No revenue-officer of the poſt-office is to perſuade, or diſſuade, any voter, on pain of 100 *l.* penalty, by 9 *Anne*. A law, 9 *Anne*, againſt fraudulent conveyances, with a view to elections, with oaths and penalties.

On one hand, to view the number of places which exclude from the houſe, one would imagine there could be no placemen in it; on the other, to think of the number of placemen in the houſe, as appears by the annual COURT CALENDAR, one would imagine there was no law for excluding placemen. How great then muſt the number of placemen in this country be upon the whole?

CHAP. VIII.

Speeches on the Danger of Placemen and Penſioners in Parliament.

FROM the ſtrain of the following ſpeeches in parliament, and quotations from books, may be collected the ſenſe of many of the ableſt and beſt men of this country, on the danger of placemen and penſioners in the houſe of commons.

Hear Sir *Francis Winnington*, in his ſpeech on this ſubject, in the houſe of commons, *A. D.* 1680 [a].

'Mr. Speaker. Sir, The laſt houſe of commons 'being ſenſible how narrowly this nation eſcaped being 'ruined by a ſort of monſters, called Penſioners, who 'ſat in the late long parliament, had entered into a 'conſideration how to prevent the like from coming 'into future parliaments; and in order thereto re-'ſolved, that they would ſeverely chaſtiſe ſome of 'thoſe that had been guilty, and make the beſt laws 'they could to prevent the like for the future; and 'for that purpoſe a committee was appointed, of 'which Mr. Sergeant *Gregory*, now Judge *Gregory*, 'was chairman, by which many papers relating to 'that affair came to his hands. Sir, I think it a 'buſineſs of ſo great importance, that it never ought 'to be forgotten, nor the proſecution of it deferred. 'I have often heard, that *England* can never be de-'ſtroyed but by itſelf; to have ſuch parliaments was 'the moſt likely way that ever yet was invented. I 'remember a great lawyer ſaid in this houſe, when it 'was debated in the laſt parliament, that it was *trea-*

[a] Deb. Com. ii. 61.

'*ſon*; and he gave many learned arguments to make 'it out. Whether it be ſo or no, I will not now 'offer to debate; but I think, for thoſe that are the 'legiſlators of the nation to take bribes, to under-'mine the laws and government of this nation, that 'they ought to be chaſtiſed as *traitors*. It was my 'fortune to ſit here a little while in the long parlia-'ment; I did obſerve that all thoſe that had pen-'ſions, and moſt of thoſe that had offices, voted all of 'a ſide, as they were directed by ſome great officer, 'as exactly as if their buſineſs in this houſe had been 'to preſerve their penſions and offices, and not to 'make laws for the good of them that had ſent them 'hither. How ſuch perſons could any way be uſeful 'for the ſupport of the government, by preſerving a 'fair underſtanding between the king and the people, 'or rather how likely to bring in arbitrary power and 'popery, I leave to every man's judgment. They 'were ſo far from being the true repreſentatives of 'the people, that they were a diſtinct intereſt from 'both king and people; and their chief buſineſs was 'to ſerve the ends of ſome great miniſter of ſtate, 'though ever ſo oppoſite to the true intereſt of the 'nation. Sir, this buſineſs ought never to fall '(though there ſhould be ever ſo many prorogations 'and diſſolutions of parliaments) before ſomething be 'done in it; I think it is the intereſt of the nation 'that it ſhould be proſecuted from parliament as if 'there were an impeachment againſt them. And 'therefore, Sir, I would humbly move you to ſend 'ſome members of this houſe to Judge *Gregory* for the 'papers he hath in his cuſtody relating to this affair, 'that ſo you may in convenient time proceed farther 'herein, as you ſhall think good. And, Sir, being 'there is a report that ſome of this houſe have now

'made

'made a bargain at court for great offices, in order to 'vitiate and corrupt their votes in this houſe; which, 'though but a project to caſt a reflection on ſuch 'members, however, to ſatisfy the world, I pray, 'Sir, let there be a vote paſt that no member of this 'houſe ſhall accept of any office under the crown 'during ſuch time as he continues a member of this 'houſe.'

Lord *Mulgrave* in the houſe of peers, *A. D.* 1692, ſpoke as follows on the ſubject of placemen in parliament.

'My lords, I beſeech you to conſider the meaning 'of that word repreſentative. Can repreſentatives do 'any thing contrary to the mind of their conſtituents? 'It would be abſurd to propoſe it: And yet how can 'it be otherwiſe, if repreſentatives, after being choſen, 'may change their dependency, and engage themſelves 'in employments plainly inconſiſtent with the great 'truſt repoſed in them? And that I will take the 'liberty to demonſtrate to your lordſhips they now do, 'at leaſt according to my conception of the matter. 'I will inſtance firſt in the leaſt or loweſt incapacity 'they muſt be under who ſo take employments. Your 'lordſhips muſt know but too well what a general 'careleſſneſs there appears every day more and more in 'the public buſineſs; if ſo, how is it likely that men 'ſhould be as diligent in their duty in parliament as 'that buſineſs requires, when employments and other 'buſineſs ſhall take up both their minds and their 'time? But then, in ſome caſes, it is worſe, as in 'commands of the army and other employments of 'that kind, when they muſt have a divided duty: for 'it does admirably become an officer to ſit voting 'away money in the houſe of commons, while his 'ſoldiers are perhaps taking it away at their quarters

'for want of his preſence to reſtrain them, and of 'better diſcipline among them. Nay, perhaps his 'troop or regiment may be in ſome action abroad, 'and he muſt either have the ſhame of being abſent 'from them at ſuch a time, or from that houſe where 'he is entruſted with our liberties. To this I have 'heard but one objection by a noble lord, *viz.* That 'if this act ſhould paſs, the king is not allowed to 'make a captain a colonel without diſabling him to 'ſit in parliament. Truly, if a captain has only 'deſerved to be advanced for expoſing himſelf in par-'liament, I think the nation would have no great loſs 'in the king's letting alone ſuch a preferment. But, 'my lords, there is another ſort of incapacity yet 'worſe than this; I mean that of parliament-mens 'having ſuch places in the exchequer, the very profit 'of which depends on the money given to the king in 'parliament. Would any of your lordſhips ſend and 'entruſt a man to make a bargain for you, whoſe very 'intereſt ſhall be to make you give as much as he 'poſſibly can? It puts me in mind of a farce where 'an actor holds a dialogue with himſelf, ſpeaking firſt 'in one tone, and then anſwering in another. Really, 'my lords, this is no farce. It is no laughing matter 'to undo a nation; but it is altogether as unnatural 'for a member of parliament to aſk firſt in the king's 'name for ſuch a ſupply, give an account from him 'how much is needful toward the paying ſuch an 'army, or ſuch a fleet, and then immediately give by 'his ready vote what he had before aſked by his 'maſter's order. Beſides, my lords, there is ſuch a 'neceſſity now for long ſeſſions of parliament; and the 'very privileges belonging to members are of ſo great 'extent, that it would be a little hard and unequal to

'other

'other gentlemen that members ſhould have all the 'places beſides.

'All the objections that have been made may be re-'duced to theſe: Firſt; it is told us, that it is a diſre-'ſpect to the king, that his ſervants or officers ſhould 'be excluded the houſe. To this I deſire it may be 'conſidered, that it is in this caſe as when a tenant 'ſends up a perſon to treat for him: Would any of 'your lordſhips think it a diſreſpect; nay, would the 'king himſelf think it any, if the tenant would not 'wholly refer himſelf to one of your own ſervants, or 'the king's commiſſioners in the caſe of the crown? 'And if he chuſes rather ſome plain honeſt friend of 'his own to ſupply his abſence here, will any man 'blame ſuch a proceeding, or think it unmannerly? 'Another objection is, That this act may by its con-'ſequence prolong this parliament, which they allow 'would be a very great grievance; and yet ſuppoſe 'the king capable of putting it upon us, which I have 'too much reſpect for him to admit of; though I am 'glad, however, that it is objected by privy counſellors 'in favour, who conſequently I hope will never adviſe 'a thing which they now exclaim at as ſo great a 'grievance. But pray, my lords, what ſhould tempt 'the king to ſo ill a policy? Can he fear a freedom of 'choice in the people, to whoſe good will he owes all 'his power, which theſe lords ſuppoſe he may uſe to 'their prejudice? Give me leave to ſay, as I muſt not 'ſuſpect him of ſo ill a deſign as the perpetuating this 'parliament, ſo he cannot, he ought not, to ſuſpect a 'nation ſo entirely, I was going to ſay ſo fondly de-'voted to him. My lords, no man is readier than 'myſelf to allow that we owe the crown all ſubmiſſion 'as to the time of calling parliaments according to 'law, and appointing alſo where they ſhall ſit. But

'with reverence be it ſpoken, the king owes the nation 'entire freedom in chuſing their repreſentatives; and 'it is no leſs his duty than it is his true intereſt that 'ſuch a fair and juſt proceeding ſhould be uſed towards 'us. Conſider, my lords, of what mighty conſe-'quence it may be, that ſo many votes ſhould be free, 'when upon one ſingle vote may depend the whole 'ſecurity or loſs of this nation. By one ſingle vote 'ſuch points may be carried as I almoſt tremble to 'think of. By one ſingle vote a general exciſe may 'be granted; and then we are all loſt. By one ſingle 'vote the crown may be impowered to name all the 'commiſſioners for raiſing the taxes; and then, ſurely, 'we ſhould be in a fair way towards it. Nay, what-'ever has happened may again be apprehended; and 'I hope thoſe reverend prelates will reflect, that if 'they grow once obnoxious to a prevalent party, one 'ſingle voice may be as dangerous to that bench, as a 'general diſſatisfaction among the people proved to be 'once in a late experience: which I am far from 'ſaying by way of threatening, and mean it only by 'way of caution. My lords, we may think becauſe 'this concerns not the houſe of lords, that we need 'not be ſo over careful of the matter; but there are 'noblemen in *France*, at leaſt ſuch as were ſo before 'they were enſlaved, who that they might domineer 'over others, and ſerve a preſent turn perhaps, let all 'things alone ſo long till the people were quite maſ-'tered, and the nobility themſelves too, to bear them 'company. So that I never met a *Frenchman* even of 'the greateſt rank (and ſome had 10,000 piſtoles a year 'in employments) that did not envy us here for our 'freedom from that ſlavery which they groan under; 'and this I have obſerved univerſally, excepting Mon-'ſieur *de Louvois*, Monſieur *Colbert*, or ſuch people,

'becauſe

'becauſe they were the miniſters themſelves who occa-
'ſioned theſe complaints, and throve by the oppreſſing
'of others.'

See *Danger of Mercenary Parliaments*, firſt printed, *A. D.* 1698[a].

'Let us ſee' (ſays that judicious writer) 'whether
'a houſe of commons full of officers and court-pen-
'ſioners will anſwer thoſe noble and laudable ends of
'their conſtitution. And here indeed I begin already
'to be aſhamed of my undertaking; the proof of the
'negative is ſo ridiculous, that it looks too much like
'a jeſt to aſk any one in his wits, whether a parlia-
'ment filled with delinquents will ever call themſelves
'to an account, or what account will be given if they
'ſhould? Whether an aſſembly of public robbers will
'ſentence one another to be puniſhed, or to make reſti-
'tution? Whether it is poſſible our grievances can be
'redreſſed that are committed by perſons from whom
'there is no higher power to appeal? Whether there
'is any hope of juſtice, where the malefactors are the
'judges? Whether his majeſty can be rightly informed
'in affairs relating to himſelf or the public, when
'they are repreſented to him only by ſuch perſons
'who deſign to abuſe him? Whether the public ac-
'counts will be faithfully inſpected by thoſe, who
'embezzle our money to their own uſe? Whether
'the king's prerogative can be lawfully maintained by
'ſuch who only pervert it to their own ſiniſter ends
'and purpoſes? Whether a parliament can be a true
'balance where all the weight is only in one ſcale?
'Or laſtly, Whether a houſe of commons can vote
'freely, who are either prepoſſeſſed with the hopes and
'pro-

[a] STATE TRACTS, time of king *William*, II. 638.

'promiſes of enjoying places, or the ſlaviſh fears of 'loſing them?'

The ſame writer goes on [a] faithfully to alarm his country againſt what was in thoſe baſhful days very alarming, becauſe it was new. In our times (the preſent always excepted) as hackneyed wh—s, thieves, murderers, and the like, are proof againſt ſhame, we read and hear arguments every day gravely brought in defence, or at leaſt in alleviation of the very practice which alone can, and muſt ruin liberty, if it has not already.

'Here I muſt confeſs there are not many inſtances 'to be given; the project of corrupting parliaments 'being but of late date, a practice firſt ſet on foot 'within the compaſs of our own memories, as the 'laſt and moſt dangerous ſtratagem that ever was 'invented by an encroaching king, to poſſeſs him-'ſelf of the rights of a free born people; I mean '*Ch.* II. who, well remembering with how little ſuc-'ceſs both he and his father had made uſe of open 'arms and downright violence, to ſtorm and batter 'down the bulwarks of our excellent conſtitution, 'had recourſe, at laſt, to theſe mean arts and under-'hand practices of bribing and corrupting with mo-'ney thoſe who were entruſted with the conſervation 'of our laws, and the guardianſhip of our liberties. 'And herein he ſo well ſucceeded, that the miſchiefs 'and calamities occaſioned by that mercenary parlia-'ment, did not terminate with his life and reign; 'but the effects of them are continued and handed 'down, and ſenſibly felt by the nation to this very 'hour.'

The

[a] STATE TRACTS, time of king *William*, II. 637.

The ſame judicious writer goes on [a] to obſerve, that the parliament which ſucceeded to the penſioned parliament, was, fortunately for the nation, compoſed of different men, who accordingly purſued different meaſures. That *James* II. was greatly advantaged in his deſigns againſt liberty, by having a way paved for him by the penſioned parliament. That he did not ſucceed in his laudable endeavours to corrupt his parliament. That, accordingly he was precipitated from the throne, and driven, with his execrable race, into perpetual baniſhment from his country, which made way for the revolution. That the revolution did not produce the expected advantages, becauſe its effect was blaſted by corruption in parliament. 'We were filled' (ſays he [b]) 'with golden dreams, 'not only of a bare ſecurity for our eſtates and lives; 'but an inexhauſted affluence of all manner of bleſ- 'ſings, a nation is capable of enjoying. But tho' 'we have dreamt the dreams, yet we have not ſeen 'the viſions. And the nation is by this time ſadly 'ſenſible how wretchedly they have fallen ſhort of 'their expected happineſs, yet are they not all ac- 'quainted with the true ſpring and fountain from 'whence all their misfortunes flow, which is indeed no 'other than that barefaced and openly avowed corrup- 'tion, which, like an univerſal leproſy, has ſo notoriouſly 'infected and overſpread both our court and parliament. 'Tis from hence are plainly derived all the calami- 'ties and diſtractions under which the whole nation 'at preſent groans: 'tis this that has changed the 'very natures of *Engliſhmen*, and of valiant men made 'them cowards, of eloquent dumb, and of honeſt men 'villains.

[a] STATE TRACTS, time of King *William*, II. 641.
[b] Ibid. 640.

'villains. 'Tis this can make a whole houſe of com-
'mons eat their own words, and countervote what
'they had juſt before reſolved on: 'tis this could
'ſummon the mercenary members from all quarters
'of the town in an inſtant, to vote their fellow cri-
'minals innocent: 'tis this that can make the parli-
'ament throw away the people's money with the
'utmoſt profuſion, without enquiring into the ma-
'nagement of it: 'tis this that put a ſtop to the exa-
'mination of that ſcandalous eſcape of the *Toulon* fleet
'into *Breſt:* 'tis this that has incouraged the miſ-
'management of the admiralty in relation to the loſs
'of ſo vaſt a number of men of war and merchant
'ſhips, as well as other miſcarriages which were by
'all men judged not to proceed from their want of
'underſtanding in ſea affairs: 'tis this that has hin-
'dered the paſſing a bill ſo often brought into the
'houſe for incapacitating members to bear offices:
'tis this that could not only indemnify, but honour
'a leading member for his audacious procuring and
'accepting a grant of lands, which, by the parlia-
'ment, had been ſet apart for the public ſervice; a
'vote that ſhall ſtand recorded in their own journals
'to the never dying infamy of that mercenary aſſem-
'bly: 'tis this could make the ſame perſon moſt con-
'fidently affirm, that he was ſure the majority of the
'houſe would agree to what he was going to propoſe:
'tis this that could make men of peaceable diſpoſi-
'tions and conſiderable eſtates, vote for a ſtanding
'army: 'tis this that could bring admirals to confeſs
'that our fleet under their command, was no ſecurity
'to us: 'tis this could make wiſe men act againſt
'their own apparent intereſt. In ſhort, 'tis this that
'has infatuated our prudence, ſtaggered our con-
'ſtancy, ſullied our reputation, and introduced a
'total

'total defection from all true *Engliſh* principles. 'Bribery is indeed ſo ſure and unavoidable a way to 'deſtroy any nation, that we may all ſit down and 'wonder that ſo much as the very name of a free 'government is yet continued to us. And if by our 'wary choice of members we ſhould happen to recover 'our antient conſtitution, we ſhall with horror and 'amazement look back and reflect on the dreadful 'precipice we ſhall have ſo narrowly eſcaped.'

The ſame patriotic writer obſerves [a], that 'the executive power ought not to be lodged in the houſe 'of commons, becauſe it would deprive the kingdom 'of that which is the nobleſt and moſt uſeful work 'of their repreſentatives, the calling ill miniſters to 'account, and the preſerving a ſteady adminiſtration 'in the ſubordinate officers of the government. But 'in a houſe of commons abounding with officers, if 'any one of them be attacked, it alarms the whole 'fraternity, and they all engage to bring him off, 'though it be by the ſcandalous way of putting the 'queſtion for candles, and carrying it in the negative. 'This was the caſe of the admiralty laſt parliament, 'and may be of the treaſury this ſeſſions, if fortune 'proves ſo propitious, that one of their members be 'made ſpeaker. This point gained, the next will 'probably be to eſtabliſh the army, and then to ſuſpend 'or repeal the triennial act.'

A. D. 1698, the following remarkable paragraphs appeared in the famous HUSH-MONEY PAPER, as it was called, publiſhed by *John Lawten*, Eſq.

'Two hundred thouſand pounds a year beſtowed 'upon the parliament has already drawn out of the 'ſubjects pockets more millions than all our kings 'ſince

[a] STATE TRACTS, time of king *William*, II. 653.

'since the conqueſt have ever had from this nation.
'And that this ſhould be done without any rude com-
'plaint, is a proof, that if a king can manage well
'Mr. *Guy*'s office, he may, without much ado, ſet
'up for abſolute. *Venalis eſt Anglia*, for *Venale eſt Par-*
'*liamentum*. Heretofore, indeed, it was neceſſary
'only that they ſhould give reaſonably, as *Flamock*'s
'rebellion, and others in *Hen.* VIIth's reign witneſs;
'and I believe our rolls will not furniſh us with many
'ſeſſions, wherein money was given, and no one
'country bill granted. But our anceſtors were wiſe
'enough to inſtruct their members, and our conſtitu-
'tion ſo regular that we had frequent elections.
'The houſe is now ſo officered, that by thoſe who
'have places and penſions, together with their ſons,
'brothers, and kinſmen, and thoſe who are fed with
'the hopes of preferment, and the too great influence
'theſe have upon ſome honeſt miſtaken country gen-
'tlemen (who are poſſibly over frighted with the
'*French*) the king can baffle any bill, quaſh all grie-
'vances, ſtifle accounts, and ratify the articles of
'*Limerick*. When I find the money the nation gives
'to defend our liberties from foreigners abroad, is
'like to undermine them at home, in a word, when
'I ſee neither the one nor the other houſe can with-
'ſtand the power of gold; I ſay, when I perceive all
'this, it is time to give warning, it is time to look
'about us. If the members of parliament are to
'overlook all the ill huſbandry of the government,
'that they may ſhare in the profuſeneſs and bribery
'of it; if our rights are to be ſet to ſale by ſome and
'neglected by others, when the very being of the go-
'vernment depends upon our being ſatisfied, what
'amendment, what confirmation ſhall we have of our
'conſtitution, when all our dangers are over? This is

'a thought which deſerves our moſt ſerious reflections. 'I could name a certain gentleman, who exactly re- 'ſembles *Henry Guy*, who the laſt ſeſſions, when the 'houſe was a little out of humour, diſpoſed of no leſs 'than ſixteen thouſand pounds in three days time for 'ſecret ſervice. Who are in places we may find out, 'but God knows who have penſions, yet every man, 'that made the leaſt obſervation, can remember, that 'ſome who opened loudly at the beginning of the laſt 'ſeſſions, who came up as eager as it is poſſible for 'reformation, had their mouths ſoon ſtopped with 'huſh-money. It has been of ſome time whiſpered, 'that if this will not at firſt pre-engage to do what 'will be exacted at their hands, we ſhall have a par- 'liament. I cannot tell whether a new parliament will 'not be practiſed upon by the *Carmarthen* art; how- 'ever, it is our laſt and beſt remedy: for if this 'continues, God have mercy upon poor *England*. 'Hitherto we have been, and we are like, for ought I 'ſee, to be repaid for all our expences of blood and 'treaſure, with the ſmoke which *Boccalini* mentions 'in his advices from *Parnaſſus*, whereby the enemies 'of the government have but too great advantage 'given them to ridicule us for our fooliſh credulity?'

'If men are to make fortunes by being of our 'ſenate houſe, ſays the ſame gentleman[a], we had 'better ourſelves pay the diſburſements of thoſe we 'ſend, we had better ourſelves allow them plentiful 'ſalaries for ſitting there; each particular county 'would ſave by it in the public aſſeſſments, and find 'their account in it, whilſt they preſerve their mem- 'bers from the temptation, of being hired out of their 'intereſt, and conſequently get good laws for what 'they

[a] STATE TRACTS, time of king *William*, II. 370.

'they give. We can ſcarce pay too much for good 'laws, and if we have not ſome that we have not yet, 'we ſhall not, when the war is over (let it end which 'way it will) be able to call what we have our own. 'In the late times, the city of *London* often petitioned 'for paſſing of laws: will they always lend money 'now, and never expect a thorough alteration of the 'miniſtry, and ſecurities for the future, againſt court 'projectors? In *James* Iſt's time, there were certain 'ſparks, who undertook for parliaments, that were 'called undertakers; and there is a certain ſecret that 'has ſtole out of our cabinet, that one of theſe, im-'mediately on the king's refuſing the triennial bill 'laſt ſeſſions, undertook that it ſhould be thrown out 'the next time they ſat, with as much ſcorn and con-'tempt as was the judges bill. It is time to have 'annual parliaments inſtead of triennial, ſince privy 'counſellors and lords of the treaſury, (both which 'ſtations this perſon enjoys) can ſo perfectly feel the 'pulſe of a parliament during an interval.'

Sir *Charles Sedley* in his ſpeech, *A. D.* 1699, thus ſets forth the danger from placemen in parliament. 'I believe, Mr. Speaker, when we come to conſider of 'it, we ſhall find that it is convenient not only to 'leſſen the officers of the court and ſtate in point of 'profit, but in point of number too. We have 'nine commiſſioners of exciſe, ſeven of the admiralty, 'three of the poſt-office, ſix of the cuſtoms. I know 'not why half may not do the buſineſs as well. But 'when I conſider, that all theſe, or moſt of them, are 'members of parliament, my wonder is over; for 'though it may be a diſpute whether many heads are 'better than one, 'tis certainly true, that many votes 'are better than one. Many of theſe gentlemen have 'two offices beſides their ſeat in parliament, which re-

'quire attendance in ſeveral places, and abilities of 'divers natures; but members of parliament, though 'well principled, have no privilege to be fit for any 'thing they pleaſe to undertake without practice, 'ſtudy, or application. Sir, we are called by the king, 'and ſent up by the people; and ought to regard no 'intereſts but theirs, which, as I told you before, are 'always the ſame: let us therefore proceed accord-'ingly. The late propoſals of the courtiers them-'ſelves to ſave the king money was, by applying the 'profits, ſalaries, and fees of their places that exceed '800 *l. per annum*, to the war. Thus will the pub-'lic charge lie eaſier upon the people, and the preſent 'reign be more and more endeared to them. What is 'neceſſary we ſhall chearfully ſupply, when we ſee all 'men ſet their ſhoulders to the burden, and ſtand upon 'an equal footing for our common defence, and that 'what we give is applied to thoſe uſes for which we 'give, and the army paid. This offer, Sir, as I re-'member, began when an obſervation was made by 'you of the long accounts, and that a great part of 'the king's revenue remained in the hands of the 'receivers; to which a worthy member anſwered, 'It could not be helped, by reaſon ſome receivers were 'members of parliament, and ſtood upon their 'privileges. To which another member anſwered, 'That we could not deprive members of their privi-'leges; but that to remedy the like for the future, 'we were ready to paſs a vote, that no member of par-'liament ſhould be a receiver of the king's revenue. 'This alarmed the whole body of men in office; ſo 'that ſome ſtood up, and to prevent the houſe from 'harping any longer upon that ſtring, ſaid, They ſo 'little valued their own profit, that they were willing 'to reſign all their fees, ſalaries, and perquiſites ex-

'ceeding 300 *l. per annum*, towards the next yearly 'charge. This, if really intended, was very generous; 'but if it were only a compliment, a ſhift, or expedi-'ent to avoid the preſent vote we were upon, that no 'member of parliament ſhould be a receiver of the 'revenue, nothing was more diſingenuous; nor could 'a greater abuſe be offered to the houſe; for we pro-'ceeded ſo far as to vote, that judges, and ſome others, 'ſhould not be comprehended. People abroad, who 'received our votes, will think ſtrangely of it, if 'after all theſe preparations we do nothing in it, and 'ſuffer ourſelves to be thus gulled. But I hope better 'of the worthy gentlemen, and cannot but think they 'were in earneſt with this houſe upon ſo ſolemn a 'debate[a].'

Mr. *Trenchard* propoſes, in order to check corruption, that parliament eſtabliſh a commiſſion for enquiring, by oath, into all abuſes of the civil liſt and other revenues; into uſeleſs offices, ſalaries, perquiſites, bills of offices, penſions, &c. excepting only the king's privy-purſe; report to be made to parliament. And that all members of parliament receiving penſions, purſes, &c. in a corrupt or clandeſtine manner, be guilty of high treaſon[b].

Thus harangues, on the ſame ſubject, the excellent *Hutcheſon*, in the houſe of commons, *A. D.* 1716[c].

'In the late reigns, and particularly in the long 'penſionary parliament in the reign of *Ch.* II. the 'nation became very ſenſible of the miſchievous con-'ſequences which had already happened, and the 'more fatal which might ſtill reſult, from the dan-'gerous

[a] Deb. Com. III. 195.

[b] *Gordon*'s Tracts, I. 245.

[c] Deb. Com. VI. Append. p. 8.

'gerous breach which had been made in our ancient 'conſtitution. It was now evident to the meaneſt capa-'city, that a deſigning prince, who, with the aſſiſt-'ance of a wicked miniſtry, ſhould be able, after 'ſeveral trials, at laſt to procure a parliament to his 'purpoſe, would have the liberties of the people en-'tirely in his power, and might govern them at 'pleaſure; from which ſtate of ſlavery it was evident, 'that nothing leſs than a revolution could reſcue 'them; and if they failed in that experiment, that 'then their chains would be riveted for ever. Under 'this melancholy proſpect of affairs the nation groaned, 'and complaints were heard in every corner of our 'ſtreets; and even the very penſioners in that par-'liament were not arrived to ſuch a pitch of impiety 'as to take pleaſure in the drudgery they had en-'gaged in, but acted with reluctancy and remorſe, 'and, as we have been very lately told in this place, be-'trayed the cauſe they had ſo wickedly eſpouſed, and 'frequently gave notice to the friends of *England* of 'the attempts which were to be made on the liberties 'of their country. This penſionary parliament was 'at laſt diſſolved, but with what view, and by what 'advice, I will not pretend to ſay. Certain it is, 'that that prince never had it afterwards in his power, 'in a parliamentary way, to deſtroy the liberties of 'the people. The reſumption of charters was then 'put in practice, with many other expedients towards 'the eſtabliſhment of an abſolute monarchy, which 'had been long in view; but by the death of that 'prince, and the unſkilful conduct of his next ſuc-'ceſſor, an end was put to theſe deſigns for that 'time, the people having unanimouſly applied the 'only remedy in ſuch caſes; and this brought about 'the late happy revolution.'

In the year 1734, as above-mentioned, a bill for ſecuring the freedom of parliament, by limiting the number of officers in the houſe, was read twice; and when it was moved that it ſhould be committed, and that motion oppoſed, Mr. *Sandys* ſpoke as follows:

'Sir, As this [a] bill met with no oppoſition, either 'when it was moved for, or when it was brought in 'and read the firſt time, I was very little apprehenſive 'that we ſhould have had any debate upon it; and 'much leſs was I apprehenſive that our going 'into a committee upon it would have been oppoſed; 'for as yet it can be called little more than a blank; 'it cannot well deſerve the name of a bill, till it has 'gone through the committee, where the many blanks 'which are now in it are properly to be filled up. I 'was indeed ſurprized to hear the worthy gentleman, 'who ſpoke laſt, ſay, that he thought it the moſt extraordinary and unreaſonable bill that he had ever 'ſeen brought into this houſe; for if the gentleman 'will look into our Journals, he will ſee that this very 'bill has been often brought in, and has almoſt always been paſſed in this houſe;' [in confidence of its being thrown out by the lords, which looks more decent] 'and I am ſure, if ever it was thought 'reaſonable by this houſe, it muſt now be thought 'much more ſo, when the number of placemen is 'much greater in this houſe than it was heretofore. 'The worthy gentleman has likewiſe told us, that 'he thinks the bill unjuſt, both with reſpect to the 'crown, the people, and the gentlemen who have the 'honour to be employed by the crown. As to which 'I ſhall take notice, in general, that by the ſame 'method of reaſoning he may pretend to ſhew us, 'that

[a] Deb. Com. iii. 125.

'that all the laws that were ever made for regulating 'elections were unjuſt, and were encroachments upon 'the rights of the people. I ſhall readily agree with 'him, that the people are the propereſt judges who 'ought to be choſen by them for repreſentatives in 'parliament; and I am confident, that were they left 'to a free choice, we ſhould not ſee ſo many civil 'and military officers brought into parliament. The 'people, I believe, would always think themſelves 'more ſecure in being repreſented by country-gentle-'men, with whom they are well acquainted, and 'who can have no intereſt ſeparate from them, than 'by clerks of offices, or ſuch other perſons, whom 'they perhaps never ſaw, or heard of, before they 'came down to be choſen their repreſentatives, and 'whom probably they may never ſee again, till they 'return to aſk the ſame favour; which every gentle-'man here knows to be often the caſe of many of our 'little boroughs in *England*. But to ſay that it 'would be any injuſtice to lay a reſtraint upon the 'people as to the choice of their repreſentatives, ſeems 'to me very extraordinary, when we conſider the laws 'now in being, by which the people are reſtrained 'from chooſing any gentleman for their repreſentative 'who is not poſſeſſed of ſuch an eſtate. Surely we may, 'with reſpect to elections, without being guilty of 'any injuſtice, lay what reſtraints we think neceſſary 'for the good of the public, and the preſervation of 'our conſtitution; for I am ſure that whatever is for 'the benefit of the people cannot be juſtly ſaid or 'thought to be injurious to the crown. It is extra-'ordinary to ſay, that what is propoſed by this bill 'would be an injuſtice done to thoſe who are thereby 'to be made incapable of being elected; for have not

'we already a law, by which all the officers con-
'cerned in the collection of the cuſtoms and exciſe,
'are rendered incapable of being choſen members of
'parliament, and yet I have never before heard it
'urged that there was any injuſtice done to thoſe
'gentlemen by excluding them from having ſeats in
'parliament as long as they are in an office, which is
'inconſiſtent with their being members of this houſe.
'I will allow, that the choice made by the burgeſſes
'of a little borough, or by the freeholders of a county,
'if it falls upon an officer, civil or military, ſhews
'that the majority of thoſe electors, at that time, did
'not think the office he then enjoyed incompatible or
'inconſiſtent with his being their repreſentative; but
'I hope it will not be ſaid that the burgeſſes of a
'little borough, or even the freeholders of a county,
'are better judges in this reſpect than the repreſenta-
'tives of the whole people of *Great Britain* met in
'this houſe, eſpecially when the opinion of this houſe
'is approved of and confirmed by the other two
'branches of our legiſlature. As to the alternative
'pretended, that if this bill ſhould paſs into a law,
'it would render either the officers civil and military
'contemptible, or this houſe contemptible, in the
'eyes of the people; I cannot imagine how it could
'produce either of theſe effects; for as to the officers,
'civil or military, is it to be imagined, that a ſuc-
'ceſsful general or admiral, a brave and experienced
'captain by ſea or land, or a civil officer, honeſt,
'expert, and diligent in the ſtation he is in, would
'be contemned becauſe he was not capable of being
'a member of this houſe? Were the clergy ever
'brought into contempt by their being excluded the
'privilege of being choſen members of parliament?
'On the contrary, I believe they never got any ho-
'nour

'nour by being members of either houſe; and I 'believe there are very few officers, civil or military, 'in the kingdom, who ever gained much honour or 'much repute among the people by their being mem-'bers of either houſe of parliament, unleſs when 'their being ſuch was the occaſion of their being 'turned out of the offices they enjoyed, and might 'have continued to enjoy to their own honour, and 'the advantage of their country, if they had not been 'members of parliament. As to the other part of 'the alternative, that this houſe may be rendered 'contemptible by what is now propoſed, I am not 'in the leaſt afraid of it; but I am very much afraid, 'that if ſome bill of this nature is not ſpeedily paſſed 'into a law, this houſe will become contemptible in 'the eyes, not only of our own people, but of the 'whole world. Gentlemen may pretend that no man 'is influenced in his way of thinking, or in his man-'ner of acting, in this houſe, by the poſt or the 'office he poſſeſſes, and from which he may be turned 'out, whenever a prime miniſter may have a mind; 'but while men are men, I am convinced there will 'always be a great number, by far, I fear, the 'greateſt number, who will rather vote accord-'ing to the directions of the prime miniſter for 'the time being, than run the riſk of being turned 'out of the lucrative poſt or office they then hold at 'the pleaſure of the crown; and if ever a majority 'of this houſe ſhould happen to be compoſed of ſuch 'men, I am ſure it will become as contemptible as 'ever the ſenate of *Rome* was, after it became the 'political tool of their arbitrary and tyrannical em-'perors. I will likewiſe agree with the honourable 'gentlemen, that it may be neceſſary, at leaſt it may 'be convenient, for this houſe always to have in it 'ſome of thoſe gentlemen, who belong to, and are

'converſant in, the methods of tranſacting buſineſs 'in the ſeveral great offices of the kingdom; and 'therefore I am not for excluding from ſeats in par- 'liament *all* thoſe who are in offices, civil and mili- 'tary. I believe no gentleman in this houſe ever had 'any ſuch thought in his head; and if gentlemen will 'but peruſe the bill, as it ſtands now, they will ſee 'that there is to be an exception, which is now left 'blank, as in all ſuch caſes is uſual, in order that 'when we go into a committee, gentlemen may then 'propoſe the filling up in that blank as many officers, 'or as many ſorts of officers, as they have a mind. 'About this, indeed, I expected there might have 'been ſome debates; but conſidering the great num- 'ber of officers of all ſorts we have now in the houſe, 'conſidering how greatly the number may be encreaſed 'in times to come; conſidering the great clamour al- 'ready raiſed in the nation againſt ſo many officers 'being in this houſe; I really did not expect that any 'gentleman would have oppoſed the committing of 'the bill, or would have pretended that the paſſing 'of ſome ſuch bill was not become neceſſary, both for 'the honour of this houſe and the ſafety of our conſti- 'tution. To conclude, the bill is at preſent but a 'blank; but I am confident it may be made a good 'and reaſonable bill, and agreeable to every gentle- 'man in this houſe; therefore, I hope, the houſe 'will agree to the going into a committee upon it, 'becauſe, if gentlemen do not like it after the blanks 'are filled up, they may then drop it, or throw it out 'upon the third reading [a].'

In the famous year 1739, a place-bill, as above mentioned, was propoſed to the commons by Mr. *Sandys* in the following ſpeech:

'Sir,

[a] Deb. Com. viii. 122.

'Sir, I am now going to lay before you a propoſal 'which has already been ſeveral times made to you, 'without meeting with that ſucceſs which I thought 'it deſerved; but as I think it a good one, and abſo-'lutely neceſſary for the preſervation of our conſti-'tution, I am far from being diſcouraged by its former 'bad ſucceſs, nor ſhall I be diſcouraged from a future 'attempt, even though it ſhould now meet with as bad 'a reception as heretofore, becauſe I am fully con-'vinced of the truth of that obſervation, which was 'long ago made by one of our beſt lawyers, That a 'good bill or motion once propoſed in parliament, 'and entered upon our journals, can never die: It 'may at firſt meet with bad ſucceſs: it may meet 'with repeated bad ſucceſs; but, unleſs our conſtitu-'tion be abſolutely and irrecoverably deſtroyed, it will 'by its own merits, at laſt force its way through the 'ſeveral branches of our legiſlature.' [This crite-rion, if applied to the preſent times, when we have reaſon to think no merits whatever would carry a bill through the houſes, unleſs it were favoured by the miniſtry, is ſo ſhocking, that it will hardly bear to be thought of.] 'The propoſal, I am to make, 'Sir, is plainly and in ſhort, this, That criminals 'may not be allowed to be their own judges; and 'that our liberties may not be committed to the keep-'ing of thoſe who are retained to deſtroy them. It is 'the duty of parliament to redreſs all public grie-'vances, and puniſh all high and heinous offenders, 'who have been artful or powerful enough to evade 'the laws of the kingdom. It is the duty of parlia-'ment to grant no more money for the public ſervice 'than what is abſolutely neceſſary, and to ſee that 'money properly applied and duly accounted for. 'And it is the duty of parliament to watch over the

'liberties

'liberties and privileges of the people, by taking care 'not to pass any laws that are inconsistent with the 'liberties and privileges of the people, and by pro- 'viding speedy and effectual remedies against all en- 'croachments that have been, or may be, made by 'ambitious princes, or guilty ministers. These, 'Sir, are among the chief of the duties of parliament; 'but how can we expect a performance, if a majority 'of the members be such, whose self-preservation or 'security depends upon their neglecting or acting con- 'trary to these duties? Can we expect, that public 'grievances will be redressed, if a majority of par- 'liament be such as have themselves been, or such as 'are the friends and confederates of those that have 'been the cause of these public grievances? Can we 'expect that any high offender will be punished by 'parliament, if the majority of it be such as have 'been companions and sharers with him in his crimes, 'or such whose chief subsistence depends upon screen- 'ing him from justice? Can we expect that any sup- 'ply demanded by the crown will be refused, if it is 'to be granted by those, whose chief subsistence de- 'pends upon making the grant; or that the public 'money will be properly applied, or duly accounted 'for, if those who have applied or may apply it 'to their own use, are to be the only inspectors of 'the public accounts? Or, lastly, Sir, can we expect 'that a parliament will guard against the encroach- 'ments of an ambitious prince or guilty minister, if 'the majority of that parliament be such as have the 'whole, or a necessary part of their subsistence, from 'the places or pensions they hold at the arbitrary 'will of that ambitious prince, or guilty minister? 'These are questions, which, in my opinion, can be 'answered in the affirmative by no man who will

'and

'and dare make use of his reason; and yet every 'one of these questions must, I think, be answered 'in the affirmative by those who affirm that our 'constitution can never be in any danger from a 'majority or near a majority of this house being 'composed of such as hold places and pensions at 'the arbitrary will of the crown. I shall grant, 'Sir, that it may be necessary for us to have amongst 'us some of the chief officers of the treasury, admi- 'ralty, and army, as well as several others of those 'that are employed by his majesty as chief officers in 'the executive part of our government. These, I 'say, it may be necessary to have amongst us, in 'order to give us such information, as may often 'become necessary in the several branches of business 'that come regularly before this house.' [Here Mr. *Sandys* might have observed, that even supposing the *presence* of some of the officers of state necessary occasionally in the house of commons, it does not follow, that their *voting* is necessary. The judges sit in the upper house, as skilled in the laws; but they do not *vote*.] 'But I am sure it is no way necessary, 'but on the contrary, quite inconsistent with the dig- 'nity of this house, to have it filled with clerks of 'offices, and inferior officers of our navy and army. 'I confess I have the greatest regard for such of those 'as we have at present amongst us; because I hope 'they have all so much honour, that they would disdain 'to sacrifice their duty, as members of this house, to any 'selfish consideration; but we cannot be sure that those 'who succeed them in their offices and employments 'will be gentlemen of so much honour; and as they 'may likewise succeed them with regard to their seats 'in this house, our constitution may be thereby 'brought into the utmost danger; for if I were not

'well

'well assured of the honour of those officers we have 'now amongst us, we have already such a number, 'that I should think our constitution upon the brink 'of destruction; and as the number may increase so 'as, in a short time, to become the majority of this 'house, whilst we have it in our power, we ought 'to take care to provide against this danger by limit-'ing the number of officers that are to have seats in 'this house; for if the majority of this house should 'once come to be composed of officers, and these 'officers such as had a greater regard to the places 'they possess, or preferments they hope for, than to 'the liberties and constitution of their country, it 'would be ridiculous to think of getting the approba-'tion of this house to any such regulation. There-'fore, Sir, as this is not yet, I hope, our unfortunate 'case, I shall beg leave to move, that leave may be 'given to bring in a bill for the better securing the 'freedom of parliament, by limiting the number of 'officers to sit in the house of commons [a].'

Mr. (late lord) *Lyttelton*, spoke in defence of it as follows.

'Sir, While this house is full of independent gen-'tlemen, or of such placemen only whose places are 'not so much the best of their property, that they 'cannot risk the loss of them without a spirit of mar-'tyrdom, who have something of their own sufficient 'to outweigh their employments, and while the num-'ber even of these shall be confined within some mode-'rate bounds, a minister must regard this assembly as 'an awful tribunal, before which he is constantly to 'account for his conduct: He must respect your judg-'ments, he must dread your censures, he must feel 'your

[a] Deb. Com. xi. 202.

'your ſuperintendency. But we can imagine a future 'houſe of commons ſo crowded with placemen, that a 'ſpectator in the gallery might be apt to miſtake and 'think himſelf at the levée of a miniſter inſtead of a 'parliament. The benches here may be covered not 'only with officers of rank in the government, not 'only with the ſervants of the crown, but with the 'ſervants, perhaps, of their ſervants; and what ſenti-'ments, Sir, have we reaſon to think the ſight of a 'houſe ſo filled would excite in a miniſter? Would 'he think himſelf in the preſence of his country, or in 'the midſt of a guard that would enable him to defy 'its juſtice, and deride its reſentment. The poſſibility 'of this happening hereafter is the ground of this bill, 'which therefore the people of *England* do not only 'conſider as a ſingle point to be gained for them upon 'any preſent neceſſity, but as a general ſecurity againſt 'all they apprehend for the future. Sir, my worthy 'friend, who made you this motion, in the opening 'of it explained to you ſufficiently, that there is no 'intent of running into any extremes. If I thought 'there was, I would oppoſe it as much as any man here. 'I know but one thing more prepoſterous than ſuch a 'general place-bill as would exclude all perſons in 'office from a ſeat in this houſe, and that is to leave 'the number of them under no limitation at all. But 'for fear of ſtarving, muſt we die of a ſurfeit? Be-'tween theſe two abſurdities, can no medium be 'found? Cannot we continue thoſe amongſt us who 'are of any uſe to the houſe, who can give any 'aſſiſtance, any weight, any facility, any grace to our 'proceedings, and ſhut the door againſt others, whom 'it is neither decent, nor ſafe, to admit? Sir, the 'doing this is eaſy; it will be done by this bill, it is 'what the wiſdom of former parliaments would have 'done

'done long before now. But the reaſon they did it not 'was, It never entered into their thoughts to conceive 'that ſome, who have ſince ſat in parliament, would 'attempt to come there, I do not mean, from any 'perſonal incapacity, but from the nature itſelf of 'their offices, incompatible almoſt with the very idea 'of a member of parliament. It is a ſurprizing 'thing; but it is verified by what we ſee every day, 'that the common practice of ſome ages goes beyond 'even the fears of the paſt. We muſt, therefore, 'ſupply from experience what our predeceſſors failed 'to foreſee; and we are called upon to do ſo by 'the unanimous voice of the nation. Sir, the greateſt 'affairs before us are of leſs importance than this. It 'is better *Spain* ſhould invade the freedom of the '*American* ſeas, than the crown of *England* violate the 'independence of parliament. It is not *Spaniſh* or '*French* arms, but *Spaniſh* and *French* maxims of 'government, that we ſhould have moſt to fear from, 'if the vigilant caution, the jealous ſpirit of liberty 'in this houſe did not concur with the goodneſs, the 'natural goodneſs of his majeſty, to ſecure our free 'conſtitution. Let the cortes of *Spain*, let the par-'liament of *Paris*, be a warning to us; let them ſhew 'us what we may come to, if we do not prevent the 'growth of corruption, before it produces here the 'inſenſible, gradual, fatal change it did there.

'Sir, I am trying to recollect what objections have 'been made to this bill, and I proteſt I can find none 'that ſeem to me to want a reply. One chiefly in-'ſiſted upon is, That it carries an air of ſuſpicion. 'Sir, in all the ſtates that I have read of antient and 'modern, the moſt ſuſpicious people have been always 'the lateſt enſlaved. To ſuſpect human frailty in 'tempting circumſtances, is a very natural jealouſy;

'and

'and a too ſecure confidence will hardly be thought a 'parliamentary virtue. It is painful indeed to be ſuſ-'pected, but the greater the pain, the greater the deſire 'ſhould be to remove that ſuſpicion. But, Sir, 'againſt the preſent houſe of commons, no ſuch ſuſ-'picion can be conceived—Upon what grounds ſhould 'it be founded? Upon what probability? Has the 'private diſcourſe of ſuch gentlemen here ever been 'different from their public behaviour? Have they 'ever talked one way and voted another? Have there 'been any indications of a private intereſt, that of any 'one man ever prevailing over that of the nation, 'againſt fact, reaſon, or juſtice? Have not the ma-'jority here conſtantly ſhewn the ſtrongeſt conviction, 'that their conduct was ſtrictly conformable to the 'moſt diſintereſted love of their country? Such a 'houſe of commons ought not to be, is not ſuſpected: 'But granting ſuch a doubt to have been formed, Is 'this the way to remove it? Will the rejecting this 'bill clear our character, or can all the art and power 'of calumny give half the weight to an imputation of 'that kind as ſuch a proceeding? Sir, to thoſe who 'treat this bill as a chimerical thing, an idle ſpecu-'lative project, I will ſay but one word, That the 'moſt chimerical thing in nature is the notion of a 'free conſtitution, where the reſtraining powers are 'not entirely exempt from dependency. Such liberty 'is indeed a ſpeculation fit for ſchool-boys; for what 'would terms and appearances avail, if independence 'were loſt? You might retain the vain enſigns of 'your former authority, but would they give you any 'dignity? Would they be of any uſe to the public? 'The mace there upon your table, what would it 'ſignify? It might be borne before you with ridiculous 'pomp; but it would be what *Cromwel* called it once,

'a mere bauble; or, if it had any weight, it would 'be only to oppreſs, not to protect. Sir, the preſent 'form of our government, keep it but free from cor- 'ruption, is ſo wiſely conſtituted, the powers in it 'are ſo happily mixed, that it has all the advantages 'of a republic without the defects and evils attending 'one. But, on the other ſide, I muſt ſay that if it 'ſhould be corrupted, if the contracts of parliament 'ſhould be bought off by the crown, the very reverſe 'would be true; and it would have all the defects, all 'the evils of an abſolute monarchy, without the ad- 'vantages; it would be a more expenſive, and worſe 'adminiſtered abſolute power. Sir, I hope it is under- 'ſtood that in what I have ſaid I am only contending 'for a proviſional ſecurity againſt a miſchief not yet 'felt in all its malignity, but yet of ſo increaſing a 'nature, and ſuch ruinous conſequences, that we muſt 'be blind not to foreſee, and worſe than careleſs, not to 'prevent them. I will only add, that every year we 'delay this ſecurity, may probably add both to the 'neceſſity and difficulty of obtaining it; and that 'people out of doors may be apt to doubt, from the 'ſucceſs of this queſtion to-day, whether even now 'it does not come a little too late[a].'

Mr. *Pulteney*, on the ſame occaſion, ſpoke as follows.

'Sir, The oppoſition made to this motion, is, in my 'opinion, one of the ſtrongeſt arguments that can be 'made uſe of in its favour, and muſt I think appear 'ſo to every man, who conſiders the perſons concerned 'in that oppoſition, and the arguments they make uſe 'of for ſupporting it. Who are the perſons that 'oppoſe

[a] Deb. Com. xi. 208.

'oppoſe this motion? Who were they that have al-
'ways oppoſed ſuch motions? Placemen, miniſters,
'and the favourites or penſioners of miniſters. What
'do they ſay for juſtifying their oppoſition? They
'deny a principle, a maxim, which in all ages, in all
'countries has hitherto been acknowledged; and upon
'which many of our laws now in being, are founded.
'That a gentleman's behaviour in this houſe may be
'influenced by a place or penſion, is a maxim univer-
'ſally acknowledged, and in this kingdom ſo much
'eſtabliſhed, that we have already by law excluded
'many of the former, and all the latter, from having
'ſeats in this houſe. We have, I ſay, already by law
'excluded all penſioners from having ſeats in this
'houſe, and I ſhould be glad to know the difference
'between a penſion of 1000 *l.* a year, and a place
'with a ſalary of 1000 *l.* a year. I know of none,
'ſave only that the latter is generally more valuable
'than the former; and therefore a gentleman will be
'more loth to loſe it, or to give a vote in this houſe,
'that may diſoblige a miniſter, who can take it from
'him. I ſay, Sir, that a place with a ſalary of 1000 *l.*
'a year, is more valuable, than a penſion of 1000 *l.*
'a year; becauſe a place furniſhes a gentleman with
'an opportunity to ſerve his friends, and perhaps to
'provide ſome of them with little places, or offices
'under him. To which I muſt add, that a place
'often furniſhes a gentleman who is not very ſcrupu-
'lous, with an opportunity of plundering his country
'yearly, of twice, perhaps ten times, the value of his
'ſalary; and this, I muſt obſerve, makes another very
'material difference, between a place and a penſion.
'A placeman may very probably be a perſon, whoſe
'conduct this houſe ought to enquire into. He may
'be a public criminal, and therefore he will certainly

'be againſt an impartial and ſtrict enquiry into the 'conduct of any miniſter, officer, or placeman, leſt 'the enquiry ſhould at laſt light upon himſelf. There 'is therefore greater reaſon for excluding all place-'men, than for excluding all penſioners from having 'ſeats in this houſe. Our admitting ſome of the for-'mer, does not proceed from an opinion, that a gen-'tleman's behaviour may not be influenced by a place, 'as much as by a penſion, but from the neceſſity we 'are under of having ſome great officers amongſt us, 'in order to give us proper information and direction 'in many affairs that muſt come under our conſidera-'tion. For this reaſon, when I hear gentlemen who 'have very good places, gravely telling us, that no 'gentleman of family or fortune can by any place he 'may enjoy, or expect, be induced to join in meaſures 'that may be of dangerous conſequence to the conſti-'tution or liberties of his country, I think it is a clear 'proof not only that the behaviour of a gentleman of 'family and fortune may be influenced by the poſts he 'enjoys or expects, but alſo that his judgment may be 'byaſſed. He may thereby be induced to think 'thoſe things indifferent, or of no moment, that are 'far from being ſo. He may be thereby induced to 'think the liberties of his country in no danger, when 'they are upon the very brink of deſtruction. Sir, let 'us conſider that of the 513 members who repreſent '*England* and *Wales*, there are but 92 choſen by 'counties, and of the remaining 421, there are at leaſt '350 choſen by cities, boroughs, and cinque ports, 'where the adminiſtration would have the abſolute 'command and direction. If this ſhould ever happen 'to be our unlucky ſituation, can we ſuppoſe that any 'gentleman would ſet up to be a member of this 'houſe, or a repreſentative even for any of our coun-

'ties, but such as resolved to submit with regard to 'their behaviour here to the absolute direction of the 'prime minister? No gentleman of honour would put 'himself to expence, or expose himself to the resent-'ment of an all powerful minister, if by setting up as 'a candidate at any election, he were absolutely 'certain that he could thereby do his country no 'service. Instead of gentlemen of family, fortune, 'character, or interest in their country, we should 'then see this house filled with the lowest tools and 'vilest sycophants of absolute power. Instead of this 'house's being a check upon ministers, it would then, 'like the parliament of *France*, or the *Roman* senates un-'der their emperors, be an instrument for the oppressions 'of ministers, and a cloak for their crimes. The most 'rapacious plunderer, the most tyrannical oppressor 'would then insolently boast, that he did nothing 'but according to law, that the public treasure was 'regularly accounted for in parliament, and that he 'was at all times ready to submit his conduct to a 'parliamentary enquiry. Surely, Sir, no gentleman 'can think that the liberties of this nation consist in 'our having the resemblance of a parliament. We 'may have a parliament, that parliament may be 'chosen once every seven years, may sit annually as it 'does now, may pass laws, grant money, receive 'accounts, and even make enquiries, and yet we 'may have neither constitution, nor liberty left; for 'if it should once come to be in the power of the 'administration to have always a majority in parlia-'ment, ready to obey the directions given them by the 'ministers, there would be no necessity for destroying 'the form of our constitution, or for making a direct 'and absolute surrender of our liberties. Without 'either of these, our sovereign would be as absolute,

'and might be more tyrannical, than the *Grand Signior* 'himſelf. Such a parliament would grant him as 'many ſpahis and janizaries as he thought neceſſary, 'for keeping his ſlaves in ſubjection; would give him 'any revenue he pleaſed to demand, and would paſs 'whatever laws he might pleaſe to propoſe; and the 'judges being under no parliamentary reſtraint, would 'in every part of his dominions give judgment accord-'ing to the directions of the prime vizier, or govern-'ing baſhaw. Thus oppreſſion would be countenanced 'by the forms of law, the people plundered, and the 'innocent murdered, by the adminiſtration of juſtice. 'It is this ſort of ruin, Sir, we have chiefly to ap-'prehend, and this ſort of ruin we may ſtep by ſtep 'be led into, without our being ſenſible of the ſeveral 'ſteps. We ſhall certainly be led into it, if we truſt 'any longer the guardianſhip of our liberties to thoſe 'whoſe foreſight is dimmed by the places they enjoy, 'or expect. If a miniſter were to propoſe a law for 'giving the crown a power of ſending to every county, 'city, and borough in the kingdom, ſuch a *congé* 'd'elire for the choice of members of parliament, as 'is now ſent to a dean and chapter for the choice of 'a biſhop, I believe very few gentlemen of family or 'fortune, would, for the ſake of any place, agree to it. 'But an equivalent power may be got by multiplying 'penal laws, and increaſing the number and power of 'officers; and a gentleman of fortune, family, character, 'and intereſt in his country may, by a good place, be 'induced to believe, that ſuch a law, or ſuch an increaſe 'of the number and power of officers, is neceſſary for 'preventing fraudulent practices, or the like; and may 'therefore agree to it, without ſeeing the danger our 'conſtitution may be thereby expoſed to. Thus, 'by degrees, he may be made to agree to ſuch propo-

'sitions, one after another, till he has thereby eſta-
'bliſhed in the crown the abſolute direction of moſt of
'the elections in the kingdom. This, Sir, would
'have been the certain conſequence of the late exciſe
'ſcheme; and yet there were many gentlemen of
'family and fortune that approved of it. I am con-
'vinced they did not foreſee this conſequence; nay,
'I have ſo much charity as to believe, that the chief
'patron of that ſcheme did not; but every impartial
'man in the kingdom is now, I believe, ſenſible of
'it. That ſcheme was indeed ſuch a large ſtep
'towards giving the crown the direction of moſt of
'our elections, and by good luck was ſo thoroughly
'conſidered before it was brought into this houſe,
'that moſt gentlemen became ſenſible of the danger
'before it was too late; and that was the cauſe of its
'meeting with the fate it deſerved; but its fate will
'be a warning to future miniſters not to attempt
'making ſuch a large ſtep at once: they will from
'thence ſee that they muſt graſp at this power by
'little and little, which they will certainly do, and
'as certainly at laſt accompliſh, unleſs we take
'care to exclude from this houſe moſt of thoſe
'who, by the places they enjoy, are induced to have
'a better opinion of miniſters than any man ought
'to have, that is entruſted with the guardianſhip of
'the conſtitution and liberties of his country. The
'queſtion is not, Sir, whether a gentleman may
'be induced by the office or place he holds or ex-
'pects, to make at once, and in an open and direct
'manner, an abſolute ſurrender of the liberties of his
'country. No prince, or miniſter, of common ſenſe
'will ever deſire ſuch a ſurrender, becauſe, if he
'can get into his hands an uncontroulable power
'over moſt of our elections, and conſequently the

'direction of the parliaments choſen by this uncon-
'troulable power, his power will in every reſpect be
'as abſolute, and may be exerciſed in a more arbi-
'trary manner, and with greater ſecurity to himſelf,
'than it could be without the appearance of a par-
'liamentary authority; for every unpopular and op-
'preſſive meaſure would then be made the act and
'deed of the parliament; and the lenity of the miniſter
'in the execution of thoſe penal laws enacted by
'parliament, or in the exerciſe of thoſe powers
'granted him by parliament, would be ſet forth and
'extolled by his tools in a Gazetteer, or ſome ſuch
'paper, publiſhed by his authority, and diſperſed
'through the whole kingdom at the public expence.
'The queſtion, therefore, now before us, is, Whether
'a gentleman's eyes may not, by a lucrative and
'honourable poſt or employment, be ſo overclouded
'as to prevent his ſeeing through the plauſible pre-
'tences that may, from time to time, be made uſe of
'by an artful miniſter, for getting into his hands,
'or into the hands of the crown, ſuch an uncon-
'troulable power as I have mentioned; and this
'queſtion, even with reſpect to gentlemen of family
'and fortune, will, I am ſure, be anſwered in the
'affirmative by every man in this kingdom, who
'does not poſſeſs or expect ſome poſt or employment,
'or ſome of thoſe titles of honour which, by our
'conſtitution, as it is now modelled, the crown has
'abſolutely at its diſpoſal. To tell us, Sir, that our
'liberties can never be in danger from a majority of
'placemen in this houſe, unleſs the people be gene-
'rally abandoned as to all principles of virtue and
'public good, and unleſs the crown has, at the ſame
'time, formed deſigns againſt our liberties; and that
'the only method for removing this danger, in caſe
'we

'we ſhould at any time be threatened with it, would 'be to take proper meaſures for reſtoring virtue and 'public ſpirit among the people, and for removing 'evil counſellors from about the throne—to tell us 'this, I ſay, Sir, in a ſerious manner, is ſomething 'very extraordinary: It is miſtaking the effect for 'the cauſe, and deſiring us to begin at the wrong 'end. Corruption, Sir, is not the effect, but the 'cauſe of a general depravity of manners among the 'people of any country, and has in all countries, as 'well as this, been firſt practiſed and encouraged by 'miniſters and courtiers. It would therefore be ridi-'culous in us to think of reſtoring virtue among the 'people, till we have once made it impoſſible for 'miniſters and courtiers to corrupt them; and I am 'ſure it would be ſtill more ridiculous in us to think of 'removing an evil counſellor from about the throne, 'till we have once removed his creatures and tools 'out of this houſe. I hope, Sir, there are at preſent 'no evil counſellors about the throne; if there were, 'I am ſure no ſuch counſellor has a majority of his 'creatures and tools in this houſe. If this were the 'caſe, it would have been very ridiculous to have 'made ſuch a motion as this now before us. It 'would be very ridiculous to think of reſtoring our 'conſtitution by any legal method. It is this miſ-'fortune we intend to prevent by the bill now moved 'for. It is a misfortune now foreſeen by all unpre-'judiced men in the kingdom. I hope it is not yet 'too late to think of preventing it by a legal method; 'for after we have once fallen into this misfortune, 'it will be impoſſible to recover. If an ambitious 'miniſter ſhould once get a majority of his creatures 'and tools into this houſe, can we ſuppoſe they 'would conſent to impeach or remove him from the

'throne? Can we ſuppoſe they would ever conſent
'to any bill that might tend to diſtreſs the adminiſtra-
'tion of their maſter? Can we ſuppoſe they would
'refuſe any thing that might tend to prolong his ad-
'miniſtration and increaſe his power? Every attempt
'to reſtore the conſtitution would be branded with the
'name of republicaniſm. The diſcontents of the
'people would be called diſaffection and jacobitiſm;
'every oppoſition would be ſaid to proceed from
'malice and reſentment; and the misfortune would
'be, that many honeſt well-meaning men, induced
'by their places to have a better opinion of miniſters
'than they ought to have, would give credit to theſe
'pretences, and would believe that by agreeing to
'the miniſter's arbitrary ſchemes, they were only
'ſtrengthening the hands of the government againſt
'republicaniſm, jacobitiſm, and ſedition. If it were
'poſſible to be merry in a debate of ſo great import-
'ance, it would be diverting to obſerve the contra-
'diction in the arguments made uſe of againſt this
'motion. By ſome our gentlemen of family and for-
'tune are repreſented to be men of ſuch ſtrict honour
'and ſuch clean heads, that no place or penſion can
'miſlead their judgment, or miſdirect their will; no
'ſelfiſh conſideration can make them overlook the
'danger our liberties may be expoſed to, or conſent
'to any thing they think may in the leaſt endanger
'our conſtitution. By others, again, our gentlemen
'of family and fortune are repreſented as ſuch ſelfiſh
'mercenary creatures, that unleſs the government
'would give them poſts or penſions, they would
'refuſe to conſent to thoſe things that are abſolutely
'neceſſary for the ends of government and the pre-
'ſervation of their country. Now theſe two contra-
'dictory poſitions, though they cannot be equally
'true,

'true, may be, and I believe they are, equally falſe. 'We have, I believe, ſome gentlemen amongſt us whoſe 'judgment cannot be byaſſed, nor their will directed 'by any ſelfiſh conſideration. Such men, I hope, we 'ſhall always have in ſome of our higheſt offices, 'and theſe are not deſigned by this bill to be excluded 'from having ſeats in this houſe; but their number 'will always be ſmall, and therefore not ſufficient by 'themſelves alone to ſupport the conſtitution againſt 'a combination of all the fools and knaves that may 'hereafter get into this houſe; therefore we muſt en-'deavour to prevent this combination, and this can 'only be done by ſuch a bill as is now propoſed. On 'the other hand, I believe, there may be ſome 'amongſt us, who propoſe nothing by their ſervice 'in this houſe, but their own private advantage; and 'whilſt we have placemen and penſioners amongſt us, 'ſuch men will endeavour all they can to get into 'parliament: Nay, it may become ſo cuſtomary for 'every man that votes with the court to have a place 'or a penſion, that no man will do ſo without ſome 'ſuch reward. But if ever this ſelfiſh ſpirit ſhould 'get into parliament, our conſtitution will be undone; 'and to prevent this is the deſign of the bill now 'moved for: If no man could, by being a mem-'ber of parliament, propoſe to get any place, or 'office, or any advantage to himſelf, the mercenary 'and ſelfiſh would ſeldom endeavour to get themſelves 'choſen, at leaſt they would never be at any expence 'for this purpoſe; and as ſuch men have ſeldom a 'great natural intereſt in any part of the kingdom, 'there would always be ſuch a ſmall number of them 'in parliament, that their oppoſition could never ob-'ſtruct or retard any thing that ſeemed neceſſary for 'the juſt ends of government, or for the preſervation

'and

'and happineſs of the ſociety. The public good 'would then be the only aim of miniſters, as well as 'members, becauſe neither of them could hope for 'ſucceſs in any other; and as men of good ſenſe and 'ſtrict honour are the beſt judges, and the moſt ready 'to agree upon what is neceſſary for the public good, 'it would then be as much the buſineſs of miniſters 'to get ſuch men choſen, as it is now their buſineſs to 'get ſuch members choſen as are men of mercenary 'tempers or ſhallow underſtandings; for all miniſters 'will have jobbs to do in parliament as long as they 'have any hopes of ſucceſs, and the weak or mer-'cenary will always be the moſt proper for this pur-'poſe. I am indeed ſurpriſed, Sir, to hear it ſaid by 'an honourable gentleman, whoſe attachment to the 'preſent eſtabliſhment is not to be doubted, that if 'moſt placemen were excluded from this houſe, there 'would ſoon be a majority of Jacobites in it. Such 'a ſuppoſition is not to be made, without firſt ſup-'poſing that a great majority of the people are Jaco-'bites; and to ſuppoſe this is, I am ſure, no com-'pliment to our preſent royal family, and much leſs 'to the king now upon our throne. As long as our 'parliaments are independent, and our elections free, 'there can never be any conſiderable number of Jaco-'bites either in this houſe or in the nation; but if 'there ſhould once come to be a majority of place-'men and officers in the houſe, that majority would 'ſoon create a majority of Jacobites in the nation; 'and in that caſe, though the majority within doors 'might be a good ſecurity to miniſters againſt parlia-'mentary proſecutions, yet it would be but a bad 'ſecurity for the royal family againſt an inſurrection 'of the whole people without doors. The army,

'upon

'upon which we now seem so much to depend, or a 'great part of them, would probably join with the 'people, and the certain consequence would be the 'overthrow of our present establishment. This dan-'ger, I know, a guilty minister will always choose 'to expose his master to, rather than expose himself 'to a legal trial before a free and independent parlia-'ment; because, in a general conflagration, he may pos-'sibly escape notice, or may perhaps be able to sacrifice 'his master by way of an atonement for himself; but 'those who support him in thus exposing his master, 'can have no great regard for their sovereign, and 'in such an event would certainly meet with the 'contempt and punishment they so highly deserved. 'For this reason, Sir, as I have a greater regard for 'the security of the royal family than I have for that 'of our present ministers, or of any set of ministers, 'that shall ever get into the management of our 'public affairs, I shall be for putting it out of the 'power of any future minister to over-turn our con-'stitution, by getting a majority of placemen and 'pensioners into this house. This, I think, is now 'become absolutely necessary for preventing our being 'brought under one of the worst sort of tyrannical 'governments that was ever contrived, or established. 'For this purpose the bill now moved for is one of 'the most certain, and one of the most obvious me-'thods that can be thought of. It can be attended 'with no inconvenience. It is impossible to shew so 'much as a plausible reason against it; and there-'fore, if this motion be rejected, it must afford a most 'melancholy reflection to every one that understands our 'constitution, and has a regard for the liberties of his 'country.'

It

It was urged by Mr. *Southwell*, and others, that the voice of the people called for this bill; and that voice called for the ſerious attention of a wiſe legiſlature; and that voice would be heard, firſt or laſt, and will have its effect; that it could not be ſmothered, much leſs rejected with contempt. In that houſe, they ſaid, they ought to ſee with the ſame eyes with their conſtituents, and ought to feel what the nation feels, which was a good reaſon for not admitting placemen or penſioners; for the ſeeing and feeling of thoſe who receive and thoſe who pay will be very different. That they had heard it delivered in that houſe, that no man ought to be allowed to keep his place under the crown, who voted againſt the miniſter's meaſures, or jobbs, in parliament. It was ſaid, that it was well known that many boroughs were ſo publicly venal, that their brokers dealt as openly for the ſale of them, as bawds for the ſale of a proſtitute.

'A poſt in the army having fallen vacant, *A. D.* '1741, the gentleman, who had the next right to 'it, happened to be a member of parliament, and 'one that had oppoſed the court, which few officers 'do now-a-days: the miniſters, as uſual, were 'againſt his preferment, becauſe he had oppoſed the 'king's [that is, *their own*] meaſures in parliament; 'but the king told them, the gentleman had always 'behaved well as an officer, and he had nothing to 'do with his behaviour in parliament; ſo gave him 'the commiſſion he had by his rank a right to[a].'

The ſenſe of the city of *London*, on this ſubject, appears from the following inſtruction to their repreſentatives, *A. D.* 1741.

'As

[a] Deb. Com. xiii. 199.

'As nothing can effectually ſecure the freedom of 'our happy conſtitution, except an uncorrupt, and 'independent repreſentation of the people, we inſiſt on 'your utmoſt endeavours to procure a proper bill for 'reducing and limiting the number of placemen in 'the houſe of commons, eſpecially as ſo many gentle-'men, in a ſituation of manifeſt dependence, were 'known to have ſeats in the laſt parliament [a].'

A motion was made, *A. D.* 1742, by Mr. *Cornwall*, that leave be given to bring in a bill for the better ſecuring the freedom of parliaments, by limiting the number of officers in the houſe of commons. Sir *Watkin Williams Wynne* ſeconded the motion to the following effect:

'Sir, As this motion was laſt ſeſſion agreed to, and 'as the bill itſelf was brought in, and in every ſtep 'approved of by this very houſe of commons, I ſhould 'with great confidence of ſucceſs riſe up to ſecond 'this motion, if I did not, from experience, know, 'that gentlemen often change their ſentiments with 'their ſituation; and that a gentleman, after he be-'comes a placeman, begins to entertain notions of 'the prerogatives of the crown, and the liberties of 'the people, very different from thoſe he held whilſt 'he was a plain honeſt country gentleman. If any 'thing like this ſhould happen in the preſent debate, 'it may tend to diſappoint the motion; but with all 'thoſe who are neither placemen nor penſioners, I 'am ſure it ought to be an argument in its favour; 'and I hope it will prevail with ſome gentlemen, 'who, in former ſeſſions, oppoſed this motion, to 'alter their ſentiments and their way of voting upon 'this occaſion, when they have ſuch a plain proof 'before

[a] Deb. Com. xiii. 16.

'before their eyes, that if a place does not induce a 'man to vote againſt his honour and his conſcience, 'it at leaſt byaſſes his judgment, and makes him con- 'clude that to be wrong which he before thought, 'and declared to be right. Another ſtrong argu- 'ment in favour of this motion, Sir, is, the melan- 'choly and diſtreſſed condition which the affairs of '*Europe*, as well as of this nation, are now reduced 'to. We have, for near thirty years, been in a 'courſe of approving and ſupporting almoſt every 'political meaſure the crown ſeemed reſolved to pur- 'ſue. With regard to foreign affairs, we have ap- 'proved and ſupported every one of them without 'exception. Thank God, I have had no concern in 'this general uninterrupted approbation. I have, at 'the reſpective times, publicly declared my diſlike of 'many of them, and yet I am far from thinking that 'any of thoſe who approved voted at any time againſt 'the plain dictates of their conſcience; but I am 'convinced that many of them were biaſſed in their 'judgments by the fears of loſing the places they poſ- 'ſeſſed, or the hopes of getting the titles, places, or 'preferments, they expected. In diſputes on parti- 'cular ſubjects in politics, it is very eaſy to impoſe 'upon gentlemen who have never made that ſcience 'their ſtudy, and are never let into any ſecrets of ſtate, 'unleſs with a deſign to deceive them; therefore, in all 'ſuch caſes, I have great charity for thoſe who hap- 'pen to differ from me in opinion. But when the 'wickedneſs or folly of the meaſures begins to 'appear from the fatal conſequences they have pro- 'duced, my charity begins to ceaſe with reſpect to 'thoſe who perſevere in their opinions, and refuſe 'coming into any method for preventing themſelves 'or their ſucceſſors in this houſe from being deceived

'by

'by the ſame byaſs towards a court. I have, Sir, 'as great an opinion, as any gentleman ought to have 'of the honour and impartiality of thoſe who are 'members of either houſe of parliament; but it is 'arguing againſt common ſenſe, and common expe-'rience to pretend that no member of this houſe will 'be byaſſed in his opinion, or influenced in his vot-'ing by 500 or 1000, or perhaps, 5000 *l.* a year. 'It has in all countries, and in all ages, been held as an 'eſtabliſhed maxim, that no man ought to be allowed 'to ſit as a judge, or even as a jury-man, in any 'cauſe where he is to get or loſe by the event of the 'ſuit; and as we ſit as judges almoſt in every caſe 'that can come before us between the people and 'their ſovereign, or thoſe employed by him in the 'executive part of our government, ſurely no man 'ought to be allowed to ſit here, who is to get or 'loſe the whole, or the chief part of his ſubſiſtence 'by the judgment he paſſes upon any affair de-'pending in this houſe. In former times, Sir, when 'we had no ſtanding army, nor any officers of our 'army kept in continual pay; when we had no 'exciſe, nor exciſemen; when we had few or no 'taxes, and as few tax-gatherers, it was not neceſ-'ſary to have any ſuch law enacted; becauſe no pub-'lic officer then ever thought of getting himſelf choſen 'a member of parliament; whilſt he remained in 'pay, he was obliged to attend the duty of his office, 'and conſequently could neither attend the buſineſs, 'nor be choſen a member of parliament. This is the 'true reaſon why the high-ſheriff of a county cannot 'even now be choſen a member of this houſe; and 'when this maxim was firſt eſtabliſhed by common 'law, or, as the lawyers call it, common reaſon only, 'it fell by degrees into diſuſe, and public officers of

'all

'all ranks and degrees may be, and are, now chosen 'members of parliament except high sheriffs, and some 'few others, who have been disqualified by express 'statute. Thus, Sir, our constitution stands at 'present; and as the number of our public officers 'of all kinds, and in all stations, has been of late 'years vastly increased, and is every day increasing; 'as their yearly profits and emoluments have been 'vastly augmented; and as their power is growing 'every year more and more extensive, they have now a 'great sway in all our elections, especially those for our 'cities and boroughs; so that in a few years, we may, 'nay, we *must* expect, that a majority of this house 'will always consist of such as hold or expect offices, 'places, or private pensions at the pleasure of the 'crown; and what justice or mercy the people can 'expect from such a house of commons, common 'sense, I had almost said, common experience, may 'instruct. For this reason, Sir, if we have a mind 'to preserve our constitution; if we have a mind that 'parliament should ever be of any use to the king or 'his people; if we have a mind to prevent a parlia-'ment's being a cumbersome clog to a good king, 'and a cruel instrument of oppression in the hands of 'a tyrannical one, we must pass a law for limiting 'the number of officers in this house; and this we 'ought to be the more ardent to have speedily done, 'because if we are once caught in the snare, it will 'be impossible for us ever to escape; for if a majority 'of this house should ever once come to consist of 'officers and placemen, it is not to be supposed they 'would pass a bill for their own exclusion. On the 'contrary, if they should entertain the least jealousy 'of their not being able to get themselves, or a majo-'rity

'rity of such as themselves, chosen at a new election, 'they would, by the authority of a late precedent, 'continue themselves, or they would pass an excise-'bill, or some such bill, for giving the court an 'absolute command over a majority of our elections, 'and thereby establish an arbitrary power of the most 'extensive, cruel, and tyrannical kind, I mean, an 'arbitrary power supported by a corrupt parliament and 'a numerous mercenary army. To prevent this, Sir, I 'rise up to second the motion made by my worthy friend. 'I shall always endeavour to prevent it by my vote in 'this house, and if ever it should become necessary, by 'the risk of my life and fortune in the field [a].'

There is a curious speech of lord *Raymond* on occasion of the second reading of this bill; in which he declares against a place-bill, because it would prevent young men of fortune from accepting employments, when they found they could not sit in parliament. [But the independent *people* do not choose they should have places, and sit in parliament at the same time, because their places may bias their votes, and the people do not approve of lay-pluralities and non-residence any more than of clerical.] He says, if young men of fortune do not accept employments, they will not understand business. [If they be *members* of parliament, and *placemen* at the same time, they will certainly understand neither the business of parliament nor that of their places.] He says, the bill will exclude all young men of fortune from the army. [The independent people would be glad, that there were *no army*, and that, instead of it, we had a well regulated *militia*.] He says, the security of the nation consists in having the army officered by men

[a] Deb. Com. xiv. 33.

of fortune. [The ſecurity of a nation conſiſts in the *people*'s being armed, and capable to defend *themſelves* againſt all enemies, foreign and domeſtic [a].]

Lord *Sandwich*, on this occaſion, ſpeaks as follows:

'In antient times, my lords, nay, I may ſay, till 'after the reſtoration, we had no occaſion for ſuch 'bills. The crown had but a few lucrative employ-'ments to beſtow, and many of thoſe it had at its 'diſpoſal, were ſuch as were generally granted for 'life; conſequently, no miniſter could hope by ſuch 'means to gain, much leſs to preſerve, a corrupt 'majority in either houſe of parliament; and the 'impoſſibility of ſucceſs prevented their making any 'ſuch attempt. We had then no mercenary ſtand-'ing army, nor had the crown any lucrative military 'commiſſions to diſpoſe of. If an army was at any 'time raiſed for foreign ſervice, no officer employed 'in that army could look upon his poſt as an eſtate 'for life; therefore, though a commiſſion in the 'army was conſidered as an honour, it was never 'looked upon as a favour; but on the contrary, thoſe 'landed gentlemen who had acquired a character in 'their country for conduct, courage, and military 'knowledge, were often ſolicited to accept of com-'miſſions in the army which was to be raiſed, and 'when the ſervice was over, they returned to 'live upon their eſtates in the country without 'being at any further expence to the public. We 'had then, my lords, but very few cuſtoms, and no 'exciſes; conſequently a miniſter could not ſpread 'his exciſe-men over the whole kingdom to *influence* 'elections in counties, or to *govern* them in moſt of 'our inland boroughs; and the ſalaries of cuſtom-'houſe-

[a] Deb. Lords, viii. 107.

'houſe-officers were ſo trifling, that no man of any 'great character or fortune would accept of them; 'ſo that ſuch officers had but very little influence in 'any of our ſea-port towns. But now, my lords, 'the caſe is quite altered; the poſts in the army, 'and in the collection of the public revenues, and 'the other places in the diſpoſal of the crown, are 'become ſo numerous and ſo lucrative, that they muſt 'have a great influence upon the members of the 'other houſe, if there be no reſtraint upon the num-'ber of placemen allowed to have ſeats in that houſe. 'This, I ſay, muſt be the conſequence, unleſs we 'ſuppoſe, that men will judge and determine as im-'partially in a caſe where they are to get 500 *l.* or '1000 *l.* a year, as in a caſe where they are to get 'or loſe nothing by their judgment or determination; 'and to ſuppoſe this is ſo contrary to the nature of 'mankind, and to the eſtabliſhed maxims of all ſoci-'eties, that I am ſure none of your lordſhips will 'make any ſuch ſuppoſitions. Parliaments, we know, 'are deſigned to be a check upon miniſters; we like-'wiſe know, that almoſt every poſt in the diſpoſal 'of the crown, is left to the arbitrary diſpoſal of 'miniſters; and we alſo know that no miniſter ever 'did or ever will give a lucrative poſt or employment 'to a man who oppoſes his meaſures in parliament. 'From late experience we know, that ſome of the 'higheſt officers in the kingdom have been diſmiſſed 'for no other reaſon but becauſe they diſapproved of 'the meaſures purſued by our miniſters, and had 'honour enough to declare their diſapprobation in 'parliament. Can we then expect, my lords, that 'the other houſe will be a check upon the conduct of 'our miniſters, as long as there is a majority in that 'houſe who enjoy, or expect, lucrative and honour-

'able employments from the benevolence of theſe 'very miniſters? I ſhall not ſay, that in ſuch a caſe 'the members would all be corrupt in their determi- 'nations, but I will ſay, that in many caſes they 'would be biaſſed in their judgments, and thereby 'induced to approve of what, in duty to their country, 'they ought to have diſapproved of; or to put a nega- 'tive upon what, in duty to their country, they 'ought to have given their conſent to. Therefore, 'my lords, if we intend that the other houſe ſhould 'anſwer the end of its inſtitution, by judging impar- 'tially, and determining wiſely and juſtly in every 'caſe that comes before them, we muſt paſs this bill, 'or ſuch a bill as this; or we muſt paſs a bill for 'taking from the crown the diſpoſal of thoſe poſts 'and employments that are neceſſary for the execu- 'tive part of our government; and ſurely thoſe lords 'who ſeem ſo mighty jealous of any incroachment 'upon the prerogative of the crown, will agree to 'the former rather than to the latter of theſe two 'expedients. The latter, I ſhall grant, would be an 'infringement of one of thoſe prerogatives now enjoyed 'by the crown; but I cannot, for my life, ſee 'what the former has to do with the prerogative of 'the crown, nor can I conceive how any one pre- 'rogative of the crown is to be in the leaſt affected 'by this bill. There is no confinement, nor the leaſt 'reſtraint, propoſed upon the power the king has to 'diſpoſe of offices or employments. He may grant 'them as fully and freely as before: he may even 'grant them to members of parliament, notwithſtand- 'ing any thing propoſed to be enacted by this bill; 'and the member may enjoy the office or employ- 'ment ſo granted to him; only if it be ſuch a one 'as is not excepted in this bill, he is not to be re- 'choſen.

'choſen. Is this, my lords, an infringement of any pre-
'rogative of the crown? Has the king a power to tell
'the people whom they are to chuſe, or whom they are
'not to chuſe? No, my lords; but the legiſlature has,
'and has already in many caſes exerciſed that power.
'The people are already, by law, reſtrained from
'chuſing a man for their repreſentative who is not
'poſſeſſed of 600 *l.* or at leaſt 300 *l.* a year: they are
'already reſtrained from chuſing any man concerned in
'collecting the public revenue: they are already re-
'ſtrained from chuſing the high-ſheriff to be their repre-
'ſentative; and now they are to be reſtrained from
'chuſing any placemen beſides thoſe excepted in the bill.
'This, 'tis granted, is a new reſtraint; but it can no
'more be ſaid to be an infringement of the people's liber-
'ties, than confining a madman can be ſaid to be an in-
'fringement of his liberty; for if the people were not
'mad, or ſomething worſe, they never would chuſe
'a man as the guardian of their liberties, who muſt
'either forfeit the lucrative poſt he enjoys, or betray
'his truſt to miniſters, who can, and probably will,
'take his poſt from him, if he does not; and who
'have always, by experience, been found to be the
'greateſt enemies to the liberties of the people.'——

'No inconvenience, but great benefit, has accrued
'from that law which diſables commiſſioners and offi-
'cers of our cuſtoms, or exciſe, from being members
'of the other houſe. Experience muſt therefore give
'a favourable opinion of this bill. Can it be ſaid,
'that in the year 1693 we were influenced by any
'factious diſcontents? And yet in that year, ſuch a
'bill as this, which was intitled, *A Bill touching free*
'*and impartial Proceedings in Parliament*, paſſed both
'houſes; but by the advice of the miniſters was re-
'fuſed the royal aſſent; as ſeveral others had been

'during the beginning of that reign. Can it be ſuppoſed, that in the year 1701, we were governed by 'any factious diſcontents; and yet in the act then 'paſſed, there was an expreſs clauſe for excluding all 'placemen from having ſeats in the houſe of commons 'after the ſettlement then eſtabliſhed ſhould take 'place; which clauſe met with the approbation not 'only of both houſes of parliament, but of the crown 'itſelf. And ſurely no man will derogate ſo much 'from the known courage of king *William*, as to ſay, 'that he would have allowed himſelf to be bubbled by 'any faction or party into a regulation which he 'thought would ſtrike at the root of our conſtitution. 'This clauſe, it is true, was afterwards in the queen's 'time repealed; but I wiſh the noble peers who were 'the promoters of that repeal had conſidered a little 'more their own characters as well as the conſtitution 'of their country; for if they had, they might perhaps 'have made ſome ſuch exceptions as are contained in 'this bill; but I am ſure they would never have 'agreed to and much leſs propoſed a general and abſolute repeal of that clauſe[a].'

On occaſion of the debate on the penſion-bill, *A. D.* 1730-31, an oath was propoſed to be taken by members, purging themſelves of the guilt of receiving any penſion from the crown. Several lords proteſted againſt its being rejected in their houſe; "becauſe the bill would, if committed, have been regularly the ſubject of debate, and amendments might have been made as this houſe thought proper; and becauſe the commons had paſſed the bill with ſo much honour to themſelves; and becauſe this bill only enforces the obſervation, and prevents the evaſions of former laws.

By

[a] DEB. LORDS, VIII. 107.

By one of these laws, no person who has a pension from the crown during pleasure, can sit in the house of commons; but the effect of this law was or might have been evaded, in great measure, by grants of pensions for certain terms of years. To remedy this abuse, it was enacted by another law; that no person who enjoys a pension for any number of years, shall sit in that house, under certain penalties; but the effect of this law may be evaded by giving gratuities, or making annual presents; and the commons would find it difficult to obtain those accounts which can alone shew what pensions are paid to particular persons. By the laws now in force, whoever accepts any office or employment under the crown, cannot sit in that house, till he has been re-elected. But an office may be held by some person who is not a member of that house, in trust for one who is. The arguments used for the necessity of preserving an influence to the crown by the power of rewarding; are not to the present purpose, or if applied, they prove what is not much to the honour of this house; as rejecting this bill looks like approving all the evasions that have or can be invented or put in practice."

"Strictly speaking, all influence over either house, except that which arises from a sense of those duties which we owe to our king and country, is improper; for although this influence appears to be that of the crown, it may become virtually that of the minister; and if ever a corrupt minister should have the disposition of places, and distribution of pensions, gratuities, and rewards, he may create such an influence, as shall effectually deprive the prince of the great advantage of knowing the true sense of the people, and a house of parliament being prevailed upon to approve such measures as the whole nation dislikes; he may, for the

ſake of an unworthy ſervant, loſe the affections of his people, whilſt he imagines that he both deſerves and poſſeſſes them; and this improper influence will always be moſt exerted in the ſupport of ill meaſures and weak miniſters."

"The truſt repoſed in parliament is much greater than it was, in reſpect to thoſe heavy taxes which have been for many years paſt, and which muſt be, for all ſucceeding times [unleſs the national debt could be paid] annually laid by parliament, and alſo the immenſe debts which have been contracted."

"The ſervice of the houſe of commons was formerly a real ſervice, therefore often declined, and always paid for by the people: it is now no longer paid for, no longer declined, but ſought after at a great expence. How far theſe conſiderations, with that of the vaſt increaſe of the civil-liſt, and of the debts contracted on it, deſerve to enforce the reaſons for exacting ſome ſtronger engagements, from members of the houſe of commons to thoſe whom they are choſen to repreſent, is we think ſufficiently obvious."

"Although the multiplying of oaths ought to be avoided, yet an oath being the moſt ſolemn engagement men can lay under, we judge it on that account the more proper to be impoſed; nor will the probability of its being broke by the iniquity of mankind be an argument of greater force againſt this bill, than againſt any other law made for preventing any other crime [a]."

'It is well known, my lords,' (ſays lord *Cheſterfield* in the debate on a bill for making officers independent on the miniſtry, *A. D.* 1734 [b].) 'that there are many 'officers of the army who have nothing, or at leaſt 'very little to ſubſiſt on but their commiſſions; and it 'is

[a] Deb. Lords, iv. 29. [b] Ibid. 198.

'is likewiſe well known that there are many gentle-
'men of the army now in both houſes of parliament.
'There are now, my lords, more officers of the army in
'each houſe of parliament than there were when we
'had on foot an army of above 60,000 men: Theſe are
'facts which will not, I believe, be controverted. It
'is, I do not know how, become of late years a pre-
'vailing opinion, that the only way of getting prefer-
'ment in the army is to have a ſeat in the other houſe
'of parliament: This, it is true, my lords, muſt be
'an erroneous opinion. It is impoſſible that any man
'can juſtly and honourably acquire any preferment in
'the army by his behaviour in either houſe of parlia-
'ment, and therefore this muſt be an opinion for
'which I hope there never was any ground. I am
'ſure there can be no ground for it under his preſent
'majeſty; but erroneous as it is, it is become a gene-
'ral opinion, and we know that mankind always were,
'and always will be governed and influenced by general
'opinions and prejudices; and according as the pre-
'valence of this opinion increaſes, we may expect an
'increaſe of the number of officers in both houſes of
'parliament. We may expect, my lords, that in
'future times, as ſoon as any gentleman has once got
'a commiſſion in the army, he will next employ all his
'money and credit, and all his friends to procure him-
'ſelf a ſeat in parliament; he will perhaps pawn the
'laſt ſhilling's worth he has in the world, beſides his
'commiſſion, in order to procure himſelf a ſeat in the
'other houſe of parliament; and how dangerous it
'may be to our conſtitution to have ſuch a man de-
'pending for the continuance of that commiſſion upon
'ſome future enterprizing miniſter, I leave to your
'lordſhips to judge. No man has a better opinion
'than I have of the gentlemen who are at preſent the

'officers of our army; but I muſt ſay, that I think it 'too hard a trial even for their virtue, eſpecially in this 'degenerate age, to have it in the power of a deſperate 'miniſter to tell them upon occaſion of an impor-'tant queſtion in parliament, "If you do not vote, "Sir, as I direct, you ſhall ſtarve."'

In the debate on the famous penſion-bill, *A. D.* 1739 [a], lord *Walpole* obſerved, that a bill with the ſame title had been four times ſent up to the lords, and as often rejected. That it was an affront to the lords to ſend them the ſame bill five times. That it is dangerous to make alterations. [The bill, however, was no alteration, but intended to inforce an old law.] That the bill ſuppoſes corruption in the other houſe, which is a ſlander on the houſe, and a reflexion on the government. That it is impoſſible there ſhould be any penſioning; becauſe no penſion can be granted but by warrant from his majeſty, and all monies are to be accounted for to king and parliament. [So that, in ſhort; corruption is, like the ſtories of ghoſts and goblins, a mere non-entity, at which only ſilly people are ſcared.] That beſides, the miniſtry have no inclination to corrupt the members of the houſe of commons. 'I have the honour, ſays his lordſhip, to 'be nearly related to ſome of thoſe employed in the 'adminiſtration: From thence I have had an oppor-'tunity of knowing their moſt ſecret thoughts; and 'from thence I have formed my opinion. Therefore, 'if it is neither in the inclination nor in the power 'of any one employed in the adminiſtration to corrupt 'the members of the other houſe, what occaſion can 'we have, would it not be altogether imprudent in 'us to make an alteration in one of the moſt funda-'mental

[a] Deb. Lords, vi. 372.

'mental parts of our conſtitution, in order to guard 'againſt a grievance which is neither felt, nor can be, 'in his preſent majeſty's reign, ſo much as ſuppoſed?'

Lord *Talbot* anſwered lord *Walpole*, that the commons, by ſending up the bill, ſhewed, That they believed not only the poſſibility, but the reality of corruption. That there were two ſtatutes before calculated for the ſame purpoſe; but 'that miniſterial 'craft working upon abandoned proſtitution could 'evade them.' That the commons, if in earneſt, might juſtly be offended, if the lords rejected the bill, which might produce a rupture between the houſes, and might ſet the whole nation againſt the lords; if the commons meant only to delude their conſtituents by a pretended zeal againſt corruption, truſting, that the lords would throw out the bill, would it be conſiſtent with the dignity of the houſe of peers to be acceſſary to ſuch abominable craft. That a private penſion is not a reward of merit, but a breach of truſt; and to reject the bill would be giving a ſanction to breach of truſt. That it could not be ſaid, that the lords paſſing the bill was a ſlur on the commons, when the commons originated it. That a parliament 2 *Hen.* VIII. paſſed an act to cancel all the debts the king had contracted upon loans; and the hiſtorians account for this iniquitous proceeding from that parliament's being filled with the king's ſervants, with whom juſtice had not ſo much weight as complaiſance to the crown.

'The numbers of placemen in that parliament, (ſays his lordſhip) 'are not ſpecified; but I believe 'they did not amount to near three hundred in both 'houſes; nor is there mention made of a ſingle pen-'ſioner. The parliament, ſtigmatized by the name of 'the penſionary parliament, propoſed an expurgatory

'oath to clear themſelves from that aſperſion, con-
'taining many particulars, one of which was, that
'each member ſhould ſwear he had never given his
'vote in parliament for any reward or promiſe what-
'ſoever. I ſincerely wiſh, that to gratify the people
'the ſame or ſuch another oath ſhould now be taken;
'and as the oath propoſed by this bill will, I think,
'be rather more effectual, therefore, I am for the bill's
'being committed, and hope it will be paſſed into a
'law[a].'

'To pretend' [alluding to lord *Walpole*'s ſpeech]
'that we are not at preſent in any danger from the
'private penſions that may be given to members of
'the other houſe, muſt appear abſurd to every man
'that conſiders the nature of miniſters, or the nature
'of mankind. My lords, it is a danger we can never
'be free from; nor can we ſufficiently guard againſt,
'as long as it is in the power of a miniſter to give, or
'of a member to receive. It is abſolutely neceſſary
'for a miniſter to have the conſent or approbation of
'parliament in almoſt every ſtep of his conduct.
'Therefore from the very nature of miniſters, we may
'ſuppoſe, that if he cannot obtain ſuch conſent or
'approbation by his authority, he will endeavour to
'obtain it by his power; and from the nature of man-
'kind we muſt ſuppoſe, that among ſuch a number of
'men as are in the other houſe, the miniſter will
'always find ſome ready enough to proſtitute their
'conſent or approbation for a conſiderable bribe, or
'annual penſion. Thus we muſt always be expoſed
'to this danger; and now we are a great deal more
'expoſed to it, than ever we were heretofore; becauſe
'our miniſters now have infinitely more to give, and
'cuſtom

[a] Deb. Lords, vi. 375.

'cuſtom or example has, I am afraid, greatly added to 'the number of thoſe, that are ready to receive[a].'

'By the very act of ſettlement itſelf, my lords, it 'was expreſsly enacted, amongſt other things, That 'no perſon having a penſion from the crown, ſhould 'ſerve as a member of the houſe of commons; and 'though this clauſe was in general repealed by an act 'of the 4th and 5th of queen *Anne*, yet it was then 'again thought ſo reaſonable to exclude penſioners 'from having ſeats in the other houſe, that it was 'a-new enacted, That no perſon having a penſion 'from the crown during pleaſure, ſhould be capable of 'being a member of any future houſe of commons; 'and by an act of the 1ſt of the late king, their in-'capacity was farther extended to all perſons having 'any penſion from the crown, for any term or number 'of years, either in their own names or in the name 'of any other perſon in truſt for them, or for their 'benefit. Thus your lordſhips ſee, that by the laws 'now in being, all perſons who have penſions from 'the crown during pleaſure, or for any term or num-'ber of years, are rendered incapable of having ſeats in 'the other houſe; and by theſe laws, great penalties 'are inflicted upon thoſe who preſume to break through 'them. But as no proviſion has been made by either 'of theſe laws for diſcovering ſecret offenders, and as 'every man muſt be ſenſible that ſuch penſions may 'be given privately, the gentlemen of the other houſe 'have thought it, and I hope your lordſhips will think 'it neceſſary, to provide the beſt remedy that can be 'thought of for this defect, which is the chief, and 'indeed the ſole intention of this bill. I cannot help 'therefore being aſtoniſhed at its being pretended, 'that

[a] Deb. Lords, vi. 383.

'that this bill will occaſion any alteration, or innova-
'tion in our conſtitution; and there is nothing con-
'vinces me more of the neceſſity there is for paſſing it,
'than the circumſtances of the noble lords, who I
'find oppoſe it. To the honour of the adminiſtration
'in the firſt year of the late king, I muſt obſerve, that
'the law paſſed at that time for excluding penſioners
'from the other houſe, was introduced by a ſecretary
'of ſtate, and approved by moſt of thoſe in the admi-
'niſtration; and it was prudent and right in them to
'do ſo. A miniſter that has no intention to make uſe
'of bribery and corruption, has no occaſion to oppoſe
'any bill that can be thought of, for preventing ſuch
'infamous and illegal practices; and therefore, when
'I find ſuch a bill oppoſed, by thoſe who are the
'known friends of a miniſter, it will always be a pre-
'vailing argument with me, not only to think that
'there is a preſent and preſſing neceſſity for ſuch a bill,
'but alſo, that the bill propoſed will be in ſome
'meaſure effectual. It will at leaſt raiſe the price of
'proſtitutes, becauſe the more riſk a man runs, the
'higher wages he will of courſe expect; and the
'higher you raiſe the price of thoſe who are liable to
'be corrupted, the more difficult will every future
'miniſter find it to corrupt, notwithſtanding the
'many and great boons our miniſters have now to
'beſtow; and then they muſt think of gaining the
'conſent or approbation of parliament by their autho-
'rity in perſuading, and not by their power in corrupt-
'ing [a].'

'I find (ſays the earl of *Carliſle*) ſome lords are, upon
'this occaſion, extremely apprehenſive of corrupting the
'morals of the people, by a multiplicity of new oaths.
'I wiſh

[a] DEB. LORDS, VI. 384.

'I wish the same apprehensions had prevailed, when such 'an infinite number of oaths were contrived, for collect-'ing our customs and taxes. Most of these oaths are to 'be taken by multitudes of people, and in cases where 'there are great temptations for perjury. The oath 'now proposed, is to be taken by none, but members 'of the other house; and the temptations to perjury 'can never be great or frequent, but when our consti-'tution is in the utmost danger. It is therefore some-'thing strange, that we should be so little apprehensive 'of corrupting the morals of the people, by a multi-'plicity of oaths, when we are contriving methods for 'preserving the revenue of our sovereigns, and so very 'apprehensive of the like effect, when we are contriv-'ing methods for preserving the constitution and liber-'ties of our country. A foreigner, upon considering 'this behaviour, would be apt to judge we had very 'little concern about the latter, provided we could 'but enjoy a share of the former; and if we should 'reject this bill, without much better reasons than I 'have yet heard against it, I fear most of our own 'people will join in forming the same false opinion of 'this honourable and august assembly. Your lordships 'must be all sensible how prevalent the jealousy at 'present is, of there being a great number of pen-'sioners in parliament: the gentlemen of the other 'house have endeavoured to allay that jealousy, and 'to vindicate the honour of their assembly, by sending 'us up this bill. If it should be thrown out here, 'what will the nation think? Will it not be generally 'supposed that this is the house, in which the number 'of pensioners prevails, and that here the pensions have 'the most infallible effect? Or perhaps it will be 'supposed, that there are pensioners in the other house 'as well as in this, but that the pensioners in the

'other,

'other, for the ſake of recommending themſelves to 'their conſtituents, had leave from their maſters to 'agree to this bill, becauſe their maſters knew they 'could depend upon the number and ſubmiſſion of 'their penſioners in this, for throwing it out. I am very 'ſenſible, my lords, there is no real ground for either 'of theſe ſuppoſitions; but thoſe without doors, who 'do not know the reaſons upon which your lordſhips 'proceed, when they find a bill rejected which makes 'no alteration in our conſtitution, which does not ſo 'much as make an alteration in any former law, 'which contains nothing but an enforcement of the 'laws in being againſt penſioners; ſuch perſons, I ſay, 'may think they have reaſon to make one or other 'of theſe ſuppoſitions; and ſhould not we be ex-'tremely cautious of giving the leaſt ſhadow of reaſon 'for judging ſo unworthily of our aſſembly [a]?'

'My lords, as the laws now in being for excluding 'penſioners from the other houſe, muſt to every man 'that conſiders them, appear to be altogether ineſ-'fectual, if this bill be rejected, I ſhall, even in 'my time, if I live but a very few years, expect to ſee 'the other houſe full of penſioners.' I ſhall expect to 'ſee a miniſter in that houſe, out of a wantonneſs of 'power, by his ſingle *veto*, or the monoſyllable NO, 'throw out a bill of the utmoſt importance, without 'deſigning to give his ſlaves ſo much as one reaſon for 'what he obliges them to do. This indeed, if it 'ſhould ever happen, I ſhall look upon as a ſign of 'his power, but not of his prudence; and I may 'propheſy, that if ever a miniſter ſhould get ſuch a 'power over the other houſe, his power in *this* will be 'as abſolute and equally inſolent [b].'

The

[a] DEB. LORDS, VI. 388. [b] Ibid. 389.

The biſhop of *Saliſbury* [*Sherlocke*] oppoſed the bill, becauſe it gave the commons the means of finding out tranſgreſſors more effectually. Perhaps his good lordſhip might think this was taking the buſineſs of reforming mankind out of the hands of the biſhops, whoſe indefatigable labours, in ſeaſon and out of ſeaſon, in word and doctrine, in teaching and preaching, are equal to the pulling down of any ſtrong holds of Satan. See biſhop *Burnet*'s panegyric on the diligence of the clergy, at the concluſion of the HISTORY OF HIS OWN TIMES.

By this bill, ſays the biſhop, the commons are to become 'ſuperior to the chief branch of the legiſla-'ture, to the crown itſelf; for they are to judge of 'the actions of the crown, and may determine, that 'a well-merited reward, given by the crown for the 'moſt eminent public ſervices, was a corrupt reward, 'given for a gentleman's corrupt behaviour in their 'aſſembly.'

Here his good lordſhip ſeems, with ſubmiſſion, to make a diſtreſs where there is none. For the ſuppoſed eminently ſerviceable gentleman had nothing to do but quit his ſeat in the houſe, and then the crown might give him a penſion of 100,000 *l.* a year. But it does not ſeem eaſy to underſtand why a biſhop ſhould be ſo zealous about this ſuppoſed encroachment on the crown, ſo long as it did not break in upon the power of the king to manufacture parſons into biſhops.

By what follows, one would imagine his lordſhip was diſpoſed to be merry. 'If, ſays he, the other 'houſe ſhould once render themſelves ſuperior to the 'crown, they would of courſe become ſuperior to 'this houſe likewiſe, and would ſoon engroſs, as they 'have done before, the whole power of our govern-

'ment. They would either vote this houſe uſeleſs, [what a dreadful thing it would be if they ſhould vote the ineſtimable biſhops uſeleſs!] 'as they have 'once done already, or they would render it inſigni-'ficant, by making it entirely ſubſervient to them.' All this power the commons would acquire by the ſingle circumſtance of having power to demand an oath of their members, that they were not the miniſter's hirelings.

The biſhop afterwards expreſſes an anxiety about too many oaths, as if corruption were not as bad as perjury; but he ſays nothing about too many unintelligible and ſelf-contradictory articles to be ſubſcribed by the clergy. 'The laws of this kingdom, 'ſays the biſhop, have always been extremely cautious 'of ſubjecting a man to an oath, in any caſe where his 'intereſt may be concerned.' Therefore the good biſhop ought to have been a great enemy to clerical ſubſcription; for that, ſurely, is ſubjecting a man to an oath, where his intereſt is concerned, (ſo is his taking the oaths to the government.) Yet the language of the biſhops is, Subſcribe, or ſtarve.

'The oath propoſed by this bill, ſays the biſhop, 'is, I think, ſuch a one as can be underſtood by no 'man.' [Is it more unintelligible, my good lord, than the *Athanaſian* creed, or the doctrine of predeſtination to eternal torments; which is ſo *full of 'ſweet, pleaſant, and comfortable matter*[a]*?*']

Some readers may obſerve, that theſe remarks are rather *ad hominem*, than anſwers to the biſhop's objections. True: but the biſhop's objections are ſo frivolous, and beſides ſo peculiarly unſuitable to the character of a biſhop, who ought to have rejoiced in an

[a] See the xviith article.

an opportunity for ſetting his face againſt corruption, that my treating him and his objections with *contempt*, where every friend of virtue and his country has a right to expreſs *indignation*, ought to be conſidered as no ſmall degree of candour. For the ſame reaſon I take no notice of his pretence, that it muſt be difficult to determine, what is a corrupt penſion; that the innocent would have been in danger from this bill; that there was no danger from placemen or penſioners in the houſe of commons; that neither king nor miniſtry, were capable of corrupting any members of the commons; that thoſe who are for putting a ſtop to corruption, are enemies to the conſtitution; that the oppoſers of *Ch.* Iſt's tyranny, were only a diſaffected party, &c. So much for a ſpecimen of pontifical politics—*ſic digerit omina Calchas.* VIRG.[a]

Lord *Carteret* obſerved, that nothing would caſt a worſe ſlur upon the houſe of peers, than their rejecting this bill; that corruption cannot be too ſoon guarded againſt; for that the only time to guard againſt it is, before it becomes prevalent, as after a majority in either houſe becomes corrupt, it will be impoſſible to get a good bill againſt corruption paſſed; that 99 perſons in every hundred throughout the kingdom, thought there was real danger from corruption; that the paſſing of the bill would quiet the minds of the people, &c.

'I ſhall conclude (ſays he) with obſerving to your 'lordſhips, that if you reject it, all thoſe who think 'we are in danger from corruption, will conclude, 'that it is already become impoſſible to guard againſt 'it by any legal means, and will therefore begin to 'think of ſome other method for preſerving our conſti-

[a] DEB. LORDS, VI. 400.

'tution, which may prove of dangerous conſequence 'to the illuſtrious family, now upon our throne.'

On the ſame occaſion, the duke of *Argyle* ſpoke as follows:

'My lords, we are now upon a bill, for putting an 'end to, or at leaſt preventing, one ſort of corruption 'in the other houſe; and from the oppoſition the bill 'meets with here, and the imaginary dangers that were 'ſuggeſted for ſupporting, or rather excuſing that 'oppoſition; thoſe who are not perſonally acquainted 'with the noble lords, who have ſpoke upon that ſide 'of the queſtion, would I think be apt to ſuppoſe 'their opinion to be, either, that corruption is now 'become a neceſſary evil, without which the forms of 'our government could not be preſerved, or that it 'is an evil of very little conſequence, and not at all 'incompatible with the ſubſiſtence of a free govern-'ment. Corruption my lords, has always hitherto 'been allowed to be vile, to be dangerous. I have 'for my own part diſcouraged it in all ſtations: I 'ſhall always diſdain the obedience or the paraſitical 'ſort of aſſent, that is to be gained only by corruption, 'and I have always been ſorry, when I have obſerved, 'it was not equally diſcouraged by others; for if it 'were no way encouraged by thoſe in high ſtations, it 'would never be poſſible for the mode in any country 'to cover that infamy, which naturally attends the 'corrupted; nor would the quality of the offender 'ever atone for the wretched meanneſs of the offence. 'Corruption, my lords, is of all dangers the greateſt 'our conſtitution can be expoſed to, and the moſt to 'be apprehended. Its approach is imperceptible, 'but its blow, if not prevented, is fatal; and you 'cannot prevent its blow, unleſs you prevent its ap-'proach. The laws now in being for excluding 'penſioners

'penſioners from having ſeats in the other houſe, are 'deſigned as a ſafeguard againſt corruption's entering 'in one ſhape at leaſt within the walls of that houſe; 'and when we are conſidering whether theſe laws 'ought to be enforced, we have no occaſion for 'examining into late meaſures, or for ſuppoſing that 'any late practices have been made uſe of for cor-'rupting the members of either houſe. We have 'now as much reaſon to guard againſt the approach 'of corruption as we had when theſe laws were made; 'therefore we are now to conſider only the laws 'themſelves, and if they appear inſufficient, they 'ought to be amended, whether any corrupt prac-'tices have lately been made uſe of or not. That 'theſe laws are inſufficient for the end intended, 'muſt, I think, appear to any one that peruſes them. 'There are penalties, 'tis true, inflicted upon penſi-'oners that ſhall preſume to ſit or vote in the other 'houſe; but it is evident that theſe penalties can 'never be recovered, becauſe the fact can never be 'proved. A penſion or a bribe may be given in ſuch 'a manner, that even he who gives it can be no 'direct witneſs againſt the receiver; and it is always 'given in ſuch a ſecret manner that the criminal may 'have good reaſon to think his crime can never be 'diſcovered. For this reaſon no penalty you can 'inflict will ever have a great effect; and this makes 'it neceſſary, in caſes of ſuſpicion, to require an oath 'from the party ſuſpected. I ſhall not ſay, my lords, 'that the oath required by this bill will have all the 'effect that could be wiſhed. There may be ſome 'ſo abandoned as to deſpiſe the religious ceremony of 'an oath; but it will have an effect upon a great 'many; and even the moſt abandoned will be ſhy of 'denying their having a penſion upon oath in the

'very face, perhaps, of the man who pays them their 'penſions. Nay, even prudence itſelf will make men 'ſhy of being guilty of perjury, leſt the concealment 'of their crimes ſhould afterwards be imputed to 'them as a favour, and made uſe of as a handle for 'obliging them to do as much dirty work afterwards, 'without a penſion, as they had done before for the 'ſake of a penſion. It is an old and a true proverb, 'That when I truſt a man with my ſecret, I make 'him my maſter. An avaritious, or an extravagant 'and neceſſitous man may accept of iniquitous wages 'from a miniſter, and yet he would not, perhaps, 'chuſe to be ſuch an abſolute ſlave to that miniſter, 'as he muſt be, ſhould he put it in his power to con-'vict him of perjury. Therefore the oath preſcribed by 'this bill will certainly have a very great effect; and 'as the laws propoſed to be enforced by this bill evi-'dently appear to be inſufficient, this method of 'enforcing them ought to be choſen, at leaſt till a 'more effectual one can be thought on [a].'

'My lords, I look upon the preſent queſtion to be 'a trial of ſkill, the fate of which is to determine 'whether or no our conſtitution is hereafter to be 'deſtroyed by corruption, and the people reduced to 'the fatal neceſſity of endeavouring to reſtore it by 'the ſword. If this ſhould ever come to be the un-'lucky fate of this nation, thoſe who now oppoſe 'our making uſe of legal means for ſecuring our con-'ſtitution, whilſt it is yet in our power, will have no 'great reaſon to rejoice in their paſt conduct. Let 'us conſider, my lords, the vaſt ſums of money that 'are now at the diſpoſal, or under the direction of 'the crown; the infinite number of lucrative poſts, 'places,

[a] Deb. Lords, vi. 394.

'places, and employments, moſt of them unknown 'to our anceſtors, now depending upon the ſole and 'arbitrary pleaſure of the crown; and the great 'variety of penal laws, by one or other of which the 'moſt innocent may be made to ſuffer, the moſt cau-'tious may be entrapped, and from which the moſt 'guilty may be ſcreened by virtue of that diſpoſing or 'mitigatory power, which, with reſpect to many of 'them, is now lodged in the officers of the crown. 'Let us, I ſay, my lords, conſider theſe things, and 'we muſt acknowledge that the preſent danger we are 'in of having our parliaments converted into a '*Turkiſh* divan, is far from being imaginary; and 'when we are under ſuch well grounded apprehen-'ſions, ſhall we rack our invention for viſionary 'dangers, in order to excuſe our agreeing to any 'method for guarding againſt a danger ſo real, and 'which may, upon the firſt change of miniſters or 'meaſures, become inevitable and irreſiſtible [a].'

'In the end of the late queen's reign, there was 'juſt ſuch another bill brought into this houſe, which 'at that time met with ſo good a reception here, that 'it was thrown out by only one vote; and its meet-'ing with that fate was occaſioned by the fault of 'one noble lord, who, at the time the queſtion was 'put, happened to be in the court of requeſts, with 'two proxies in his pocket [b].'

The duke of *Newcaſtle* ſaid, he thought this bill unneceſſary, as it was well known that the members of the other houſe were gentlemen of the beſt families and fortunes in the kingdom. The preſervation of their eſtates, depended upon the preſervation of the conſtitution; and as bribing would deſtroy the con-

[a] Deb. Lords, vi. 396. [b] Ibid. 397.

ſtitution, and render even the bribe precarious; no member could be guilty of taking a bribe, becauſe there could be no temptation to it. And he thought it would diminiſh the prerogative of the crown, therefore he could not agree to the bill.

He was anſwered by lord *Cheſterfield*, that there was a ſuſpicion of ſome ſuch practices, becauſe that houſe had frequently ſent this bill to the lords. To pretend that this bill encroaches upon the prerogative of the crown, is ſomewhat ſtrange. Has the crown a prerogative to infringe the laws? To ſay ſo, is deſtroying the credit and authority of the crown; but the crown has nothing to do with penſions, it is the miniſter's affair. Men of family and fortune may be avaricious or luxurious, and may not think of the dangerous conſequences of corruption; certainly if they did, there would be no occaſion to make laws againſt it; it would appear ſo horrible, that no man would allow it to approach him. The corrupted ought to conſider, that they do not ſell their country only: that perhaps they may diſregard; but they ſell likewiſe themſelves: they become the bond-ſlaves of the corruptor; who corrupts them, not for their ſakes, but for his own. Therefore if people would but conſider, they would always reject the offer with diſdain. But hiſtory ſhews, that to ſatisfy the immediate cravings of ſome infamous appetite, the alluring bait is ſwallowed. This makes it neceſſary in every free ſtate to contrive, if poſſible, to prevent corruption. The ſooner a remedy is applied, the leſs will be our danger of falling into that fatal diſtemper; from which no free ſtate, where it has once become general, has ever yet recovered [a].

In

[a] Deb. Lords, vii. 409.

In the committee on the bill for taxing places and penſions, *A. D.* 1744, Mr. *Archer* ſpoke as follows;

'Sir, There is a ſhort but material amendment 'which, I think, ſhould be made to this queſtion. 'It is ſo adapted to the neceſſities of the preſent times, 'and ſo much for the honour of the committee, that 'I am ſatisfied it will be agreeable to you, and to 'every other gentleman here. We are now ſo happy 'as to enjoy a moſt profound calm without the leaſt 'ruffle of wind or weather. All oppoſition lies 'huſhed; but leſt a ſtorm ſhould ſoon ariſe, I am 'for making uſe of this happy juncture, this favour-'able opportunity, of proving to the world that this 'extraordinary unanimity does not proceed from any 'ſelfiſh views or expectations, but from a true diſin-'tereſted public ſpirit; and if the amendment which 'I ſhall beg leave to offer, ſhould paſs with the 'ſame unanimity, as all other queſtions have hitherto 'done, it will be a proof of it beyond contradiction. 'Sir, what I propoſe, is to lay a double tax upon 'places and penſions in eaſe of the landed intereſt of 'this kingdom; and who is there in this committee 'that can have any reaſonable objection againſt it? 'As for the gentlemen in place, they cannot but be 'ſenſible what an uncertain and precarious ſituation 'they are now in; and that they hold their places 'by the weakeſt of all tenures, by nothing but the 'ſmiles of a great man, which are more fickle and 'inconſtant than thoſe of fortune. Perhaps it may 'ſoon be proper for ſome of them to follow the ex-'ample of a noble earl, and reſign; therefore it can-'not be worth their while to oppoſe it. Beſides, it 'may be ſome conſolation to them that their landed 'eſtates will receive ſome benefits from their places 'which they themſelves are ſo likely to loſe; it is

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'impoſſible, therefore, that any objection can come 'from them. As for the gentlemen who are to ſuc- 'ceed them, if they are the ſame as I have heard 'mentioned, they are perſons of ſuch exalted notions 'of honour and patriotiſm, that you could not put 'a higher affront upon them than to imagine, that 'the ſordid lucre of the place has any ſhare in their 'thoughts. No, Sir, their patriotiſm, like virtue, 'is its own reward, and the only one they deſire; 'and therefore, it is equally certain, they will not 'oppoſe it. And as for the great man who has the 'diſpoſal of theſe places, it will be doing him a very 'ſignal piece of ſervice; for by leſſening the value 'of places, you will leſſen the number of candidates, 'and ſo far take off from that immenſe trouble 'and fatigue, which he is forced daily, nay, hourly to 'undergo from innumerable ſolicitations, viſits, let- 'ters, meſſages, and importunities; and beſides this, 'it will be a great honour to his adminiſtration, not 'to ſtand in need of the mean aſſiſtance of places to 'ſupport it. Thoſe gentlemen, therefore, who have 'any regard for his eaſe or his honour, muſt all eſpouſe 'this motion. As for the reſt of the houſe, they are 'country gentlemen, who feel too much the weight 'and burden of this tax upon their lands not to wiſh 'for ſome relief; it is, therefore, fairly to be con- 'cluded, that neither they nor any other gentlemen 'in the committee, can diſapprove of this amendment. 'But, Sir, if all theſe reaſons, ſtrong as they are, 'more particularly at this juncture, were laid out 'of the caſe, the thing is ſo evidently right and juſt 'in itſelf, that it cannot be oppoſed. Sir, it is a 'fundamental rule of juſtice, as well as policy, that 'all taxes for the ſupport of the government, ſhould 'be laid with equality; and how can it be pretended

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'that 4 *s.* in the pound upon land, and no more upon 'places, is an equal tax? The land is taxed in pro- 'portion to the rent, which is generally the full value, 'every body being desirous to let their estates for as 'much as they can get. The place is taxed in pro- 'portion to the salary, which is seldom a quarter part 'of the income, the fees and perquisites generally 'amounting to five or six times as much. The rent 'is subject to deductions for repairs and losses by 'the tenants; the salary is subject to neither. Nay, 'the land-owner is sometimes forced to pay the tax 'for rent which he does not receive; whereas the 'placeman never pays it, but upon the receipt of his 'salary. The land subjects the owner to the expence 'and trouble of serving many offices, particularly the 'high-sheriff's, grand-jury-man's and others; the 'place is so far from being liable to any of them, that 'it is of itself an indemnification and excuse against 'all. Then how can it be said, that this is acting 'fairly and impartially? It is therefore high time 'for us to rectify this unequal oppressive method of 'taxation; and if you lay 8 *s.* in the pound upon 'places and pensions, it is very obvious how many 'advantages will flow from it. 1st, It will in some 'measure operate as a place-bill; for by lessening the 'value of the places, it will lessen that undue influ- 'ence which is supposed to arise from them. 2dly, 'It will corroborate and strengthen that favourite law, 'the qualification act; for if it is necessary that the 'members of this house should have an estate in land 'to a certain value, the less charge you lay upon the 'land, the more likely they will be to fulfil and 'answer the intent of that good law. 3dly, It will 'in like manner fortify the laws of election; for 'if every freeholder is required to have 40 *s.* a year,

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'to entitle him to a vote, do not take away a fifth 'part of it from him by a tax of 4 *s.* in the pound 'upon the land, but rather lay it upon places and 'penſions. In ſhort, Sir, almoſt all the good laws 'made for the freedom and independency of parlia- 'ment, will be in ſome meaſure aſſiſted by this amend- 'ment. But I do agree, that ſome places are of too 'ſmall value to admit of a double tax, as the exciſe 'officers, and others, of 50 *l.* a year and under; but 'they might eaſily be provided for out of the contin- 'gencies of the year; and a few other places are of 'too great importance and ſervice to the ſtate to 'undergo any diminution, I mean the judges, upon 'whom I am ſo far from levying a double tax, that I 'would rather except them from all taxes whatſoever; 'for I think it a great diſhonour and reproach to any 'government not to ſupport their magiſtrates with 'ſplendor and dignity; and if any other exceptions 'ſhould be thought proper, they might all be pro- 'vided for in the body of the bill. But upon places 'in general, a double tax is the true and juſt propor- 'tion to be obſerved; and that you may be fully 'ſatisfied that this amendment is not only founded 'upon reaſon but alſo upon precedent, I ſhall beg 'leave to refer you to an act of parliament made 29 'and 30 *Ch.* II. when, for carrying on the war vigo- 'rouſly againſt *France*, 1 *s.* in the pound was laid 'upon perſonal eſtates, and 3 *s.* upon penſions; and 'it is amazing to me, how ſo wiſe and uſeful a law 'came to be ſo much neglected. Perhaps, Sir, ſome 'gentlemen might think it better to appropriate a 'greater ſhare of the profits of places and penſions to 'the ſervice of the war, which I am far from diſap- 'proving of; and indeed I have heard, they have 'already done ſo in *Spain* and *Turkey*; but at preſent

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'I chuſe rather to move it in this unexceptionable 'way to avoid all diſpute, and to preſerve that una-'nimity which has hitherto ſo happily ſubſiſted 'amongſt us. The amendment, therefore, that I beg 'leave to offer is, to inſert in the queſtion, after the '4*s.* in the pound upon lands, &c. theſe words, "and 'the ſum of eight ſhillings in the pound upon places 'and penſions."

CHAP. IX.

Of Qualifications for Members of Parliament.

THE wiſdom of our anceſtors, and their anxiety about the ſafety of the ſtate, put them upon endeavouring, by all poſſible means, to prevent the miſchiefs likely to ariſe from bribery and corruption; and, for that purpoſe, ſuggeſted the neceſſity of place and penſion-bills, as we have ſeen in the foregoing chapter. To exclude corruption ſtill more effectually, they added qualification-acts. They thought a member of parliament, who was himſelf a man of fortune, would both be leſs liable to miniſterial influence, as being above want, and likewiſe would be more ſolicitous about the fate of his country, as having himſelf a conſiderable prize at ſtake. On this ſubject, various views are to be taken, and various conſiderations to be attended to. Experience ſhews us, that men are not always more or leſs obnoxious to corruption according to their circumſtances; and that their greedineſs of the public money regulates more by their diſpoſitions than their fortunes. The man, who loves money, whether with a view to hoard or to diſſipate it, is the dangerous man, either as an elector or a member.

a member. And of the two, the ſpendthrift is more likely to ſell his country for money, than the miſer.

Again, it muſt be owned, that in the preſent diſorderly ſtate of things, qualification-acts are likely to be of advantage; for every little check on corruption is wanted, and all too little.

But if repreſentation were put upon an adequate foot, the power of commiſſioning legiſlators ſo divided, that it would be impoſſible to fill the houſe by corrupt means (which it would be, if it were neceſſary to bribe 206,000, the major half of 410,000, inſtead of 5,723; ſee vol. i. p. 39, *et ſeq.*) and if parliaments were annual, with excluſion by rotation, &c. it would be of much leſs conſequence, that electors and members were men in independent circumſtances, than as things are now.

No miniſter would find it for his advantage to tempt either elector, or member; and if there were no buyer, there could be no ſellers. The only advantage, which would then appear to kings, lords, commons, miniſters, electors, members, &c. would be that of the public; and that advantage every man would plainly ſee he might as well purſue as not; becauſe his own advantage would be included in that of the public; and he would find that he could no other way ſeek his own private advantage, than by conſulting that of the public.

The *Romans*, in the republican times, ſhew, that they thought it uſeful to ſee that thoſe, who were entruſted with the care of the general ſafety, ſhould be men of property. Accordingly, the qualification of a *Roman* ſenator was 6458 *l.* 6 *s.* 8 *d.* raiſed by *Auguſtus* to 9687 *l.* 10 *s.*—which if a ſenator impaired, he loſt his ſeat [a].

A quali-

[a] *Sueton.* IN AUG. *Cic.* XIII. 5.

A qualification-bill was rejected by the lords, *A. D.* 1697. They thought the nation ſhould be at liberty to chooſe honeſt men, though poor, and pay them wages [a].

The qualification-act, requiring members for counties to be men of at leaſt 600*l.* a year, and burgeſſes of 300*l.* in land, was paſſed in the year 1711, when the majority of the commons were tories [b]. The deſign, *Burnet* ſays, was to exclude merchants and traders. But that, he thinks, was bad policy, becauſe landed men are generally no judges of the intereſts of commerce, which is an object of great importance.

It was enacted 9 *Anne*, that every member for a county ſhould have an eſtate at leaſt for his own life of 600*l.* a year, and every member for city, or borough, 300*l.* (a moſt ridiculous difference! as all members have equal weight in the houſe) and that every election of a perſon not ſo qualified, ſhould be void; every candidate, if called upon at his election, to be obliged to give in his eſtate upon oath. And the commons read twice a bill for explaining that act, and increaſing the qualification of members [c]. It was dropped.

A. D. 1713, the commons, in a grand committee, conſidered the act of the ninth year of her majeſty's reign, intitled, *An Act for ſecuring the Freedom of Parliaments, by farther qualifying the Members to ſit in the Houſe of Commons*; and came to the following reſolutions:—'I. That notwithſtanding the oath 'taken by any candidate on or after any election, his 'qualification may be afterwards examined into. II. 'That the perſon whoſe qualification is expreſsly 'objected to in any petition relating to his election, 'ſhall, within fifteen days after the petition read, give 'to

[a] *Tind.* CONTIN. I. 350.

[b] *Burn.* IV. 316. [c] DEB. COM. XI. 296.

'to the clerk of the houſe of commons a paper ſigned 'by himſelf, containing a rental or particular of the 'lands, tenements, or hereditaments, whereby he 'makes out his qualification; of which any perſon 'concerned may have a copy. III. That of ſuch lands, 'tenements, or hereditaments, whereof the party hath 'been in poſſeſſion for three years before the election, 'he ſhall alſo inſert in the ſame paper, from what 'perſon, and by what conveyance or act in law, 'he claims and derives the ſame; and alſo the conſide-'ration if any paid, and the names and places of 'abode of the witneſſes to ſuch conveyance and pay-'ment. IV. That if a ſitting member ſhall think fit 'to queſtion the qualification of a petitioner, he ſhall, 'within fifteen days after the petition read, leave 'notice thereof in writing with the clerk of the houſe 'of commons; and the petitioner ſhall, within fifteen 'days after ſuch notice, leave with the ſaid clerk of 'the houſe the like account in writing of his qualifi-'cation, as is required from a ſitting member [a].'

The eldeſt ſons of peers, the members for the univerſities, and the 45 members for *North Britain*, are exempted from the qualification-law. Yet I ſhould think, it would not be eaſy to ſhew why any man, whether he be the ſon of a duke or a cobler, ſhould be truſted in a ſtation, where he is likely to be tempted, if he is in circumſtances which render him obnoxious to temptation. Nor is it eaſy to imagine, why a member for *Middleſex* muſt ſhew his circumſtances to be above temptation, while a member for *Clackmannan*, whoſe vote weighs as heavy as any other's, may be a dependent beggar.

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[a] Deb. Com. v. 62.

An eſtate, or income, for life only, is not a ſecurity againſt corruption. Yet it is admitted as a qualification. But a member may be tempted to ſeek, by indirect means, a proviſion for his family, who muſt come into diſtreſs after his death; if the income is for life only.

A. D. 1761, a bill was brought into parliament, by which it was propoſed, it ſhould be enacted, that every member, before he ſat, or voted, ſhould be obliged to give into the houſe of commons a rental or ſchedule of his eſtate, with all particulars, ſigned and ſworn to, on pain of a ſevere fine in caſe of falſification, to be levied by any perſon ſuing for the ſame as an action for debt, in ſpite of privilege, &c. And, on every diminution of his annual income, during the ſitting of parliament, to give an account of the ſame to the houſe. Eldeſt ſons, or heirs apparent of peers or lords of parliament, members for the two univerſities, and for *Scotland*, (for no known reaſon) to be excepted from this ſalutary regulation; as if 50 or 60 members obnoxious to bribery were no grievance.

But when this bill came to be paſſed into a law, it was ſo amended (the wrong way) that it might as well not have been paſſed. For, firſt, it was not to be in force, till the determination of the then ſitting parliament; and beſides, it was ſo whittled down, that a member might give in a mock ſchedule or rental to the houſe, in the ſame manner as at his election; and he could not be challenged concerning his qualification any more during that parliament: Whereas by the bill, as firſt propoſed, it would have been very dangerous to give a mock-qualification for ſeven years; and members would have been at any time liable to be accuſed of having reduced themſelves to a condition obnoxious to bribery.

BOOK II.

Of taxing the Colonies.

CHAP. I.

That the Object, our Miniſters have had in View in taxing the Colonies, was, enlarging the Power of the Court, by increaſing the Number of Places and Penſions for their Dependents.

THE ſubject of our late broil with our colonies, the greateſt evil that has ariſen in the ſtate for theſe many centuries paſt, is doubly entitled to a place in a work which contains an enquiry into public abuſes, both as being itſelf one of the groſſeſt *abuſes*, and alſo as being particularly the conſequence of *parliamentary* corruption.

It is the exorbitant *voraciouſneſs* of the *court-tools*, the great *number* of thoſe needy perſons, and the fear our miniſters are conſtantly ſubject to, from the hoſtility of their opponents, with the conſciouſneſs, that they hold their places by the tenure of *intereſt*, and not of merit; that has lately miſled our miniſtry into the moſt fatal meaſure of laying taxes upon our colonies, who have no repreſentation in the houſe of commons which taxes them. Our miniſters have made a breach perhaps never to be cloſed; they have

have opened a wound perhaps never more to be healed —all to get a few more *places* for their wretched dependents.

Upon the modern plan of government, *viz. Buying* every neceſſary vote, a *Britiſh* miniſtry muſt be ſo diſtreſſed for money, as to be at any time ready to dig up the very foundations of *Pandæmonium*, if they thought there were either gold or diamonds to be found in that ſoil. Yet, when *Walpole* was at his wit's end for money to ſtop the mouths of his harpies, it was ſuggeſted to him, that the colonies could afford to pay taxes as well as the mother country, and that from thence a large income might in time be raiſed for the uſe of electioneering and penſioning, and that there might be many good poſts and places eſtabliſhed in the colonies for the advantage of the court-tools; even *Walpole* had, on that occaſion, ſome conſideration. He anſwered to thoſe, who made this propoſal, That the coloniſts, by the profits of our trade with them, *enabled* us to pay *our* taxes, which was the ſame as paying taxes to the mother country; and that, by the reſtrictions, under which we have laid their commerce, all their money comes to the mother-country; and the mother-country can at moſt have their all. His ſucceſſors, however, have ſeen this object in a different light, and have conſidered a ſmall advantage to themſelves as of more conſequence than a great benefit to the public. But ſo long as we ſee ſuch villainous uſes made of the public money by our miniſters, we ought to diſcourage all the arts we ſee them uſing for bringing money into the treaſury, or increaſing their own influence, and therefore we ought to oppoſe their taxing the colonies, as an abuſe, in which we are deeply concerned, and which may prove fatal to us, as well as to the coloniſts.

Bad miniſters always ſhew an inclination for multiplying taxes. It gives an opportunity for them to embezzle; for in much handling of money, ſome will ſtick to the fingers. And a bad miniſtry want, above all things, money, to dole about, in order to keep in power. If they gain their preſent point, the ſpoils of the colonies will help up the ſupplies, and the influence of the court will be increaſed; they will have more trumpeters to defend their meaſures; ſucceſs will ſanctify rapine and bribery; the free ſpirit of the coloniſts (who ſeem at preſent to poſſeſs a larger meaſure of that virtue, than the mother-country) will be broken by the iron rod of oppreſſion; and Corruption, like another leud *Cleopatra*, as deſcribed by *Dryden*,

(Her galley down the ſilver *Cydnos* row'd,
The tacklings ſilk; the ſtreamers wav'd in gold, &c.)

will ſail in triumph through the whole *Britiſh* empire in *Europe*, *Aſia* and *America*; her falſe and ſophiſticate charms will bewitch all eyes, and debauch all hearts, and all will be willing to ſell their country, if a purchaſer can be found.

It is not *yet*, but it will *ſoon* be, too late to ward off this horrible ruin.

In the year 1754, when our profound government, always too buſy in the wrong place, propoſed to tax the colonies by act of parliament, and to direct the governors to concert meaſures for their defence againſt the *French*, inſtead of leaving both to the coloniſts themſelves, this wiſe ſcheme was communicated by governor *Shirley* to a gentleman of *Philadelphia*, then in *Boſton*, who has very eminently diſtinguiſhed himſelf, before and ſince that time, in the philoſophical world, and whoſe judgment, penetration and candour, as well as his

readineſs and ability to ſuggeſt, or carry into execution every ſcheme of public utility, have moſt deſervedly endeared him, not only to his fellow-ſubjects over the whole *American* continent, but to multitudes on this ſide the *Atlantic*, and now ſuffers for that integrity which ſhould have procured him reward. This ſagacious gentleman (whoſe friendſhip the collector of theſe papers will ever account one of the moſt fortunate circumſtances of his life) ſent the governor a ſet of remarks, of which the following are the heads; and which do almoſt exhauſt the ſubject.

That the people always bear the burden beſt, when they have, or think they have, ſome ſhare in the direction.

That when public meaſures are generally diſtaſteful to the people, the wheels of government muſt move more heavily.

That excluding the people of *America* from all ſhare in the choice of a grand council for their own defence, and taxing them in parliament, where they have no repreſentative, would probably give extreme diſſatisfaction. [How ſoundly this extraordinary perſon judged of the ſentiments of the coloniſts, let the hiſtory of the ſubſequent proceedings of our incorrigible government in attempting, in ſpite of this wiſe premonition, to tax them in parliament, bear witneſs.]

That there was no reaſon to doubt the willingneſs of the coloniſts to contribute for their *own* defence.

That the people themſelves, whoſe all was at ſtake, could better judge of the force neceſſary for their defence, and of the means for raiſing money for the purpoſe, than a *Britiſh* parliament at ſo great a diſtance.

That natives of *America* would be as likely to conſult wiſely and faithfully for the ſafety of their native

country, as the governors ſent from *Britain*, whoſe object is generally to make fortunes, and then return home, and who might therefore be expected to carry on the war againſt *France* rather in a way, by which themſelves were likely to be gainers, than for the greateſt advantage of the cauſe.

That compelling the colonies to pay money for their own defence, without their conſent, would ſhew a ſuſpicion of their loyalty, or of their regard for their country, or of their common ſenſe, and would be treating them as conquered enemies, and not as free *Britons*, who hold it for their undoubted right not to be taxed but by their own conſent, given through their repreſentatives.

That parliamentary taxes, once laid on, are often continued after the neceſſity for laying them on, ceaſes; but that, if the coloniſts were truſted to tax themſelves, they would remove the burden from the people, as ſoon as it ſhould become unneceſſary for them to bear it any longer.

That, if parliament is to tax the colonies, their aſſemblies of repreſentatives may be diſmiſſed as uſeleſs.

That taxing the colonies in parliament for their own defence againſt the *French*, is not more juſt, than it would be to oblige the cinque ports, and other coaſts of *Britain*, to maintain a force againſt *France*, and to tax them for this purpoſe, without allowing them repreſentatives in parliament.

That the coloniſts have always been indirectly taxed by the mother country (beſides paying the taxes neceſſarily laid on by their own aſſemblies) inaſmuch as they are obliged to purchaſe the manufactures of *Britain*, charged with innumerable heavy taxes; ſome of which manufac-

manufactures they could make, and others could purchaſe cheaper at other markets.

That the coloniſts are beſides taxed by the mother country, by being obliged to carry great part of their produce to *Britain*, and accept a lower price than they might have at other markets. The difference is a tax paid to *Britain*.

That the whole wealth of the coloniſts centres at laſt in the mother country, which enables her to pay her taxes.

That the coloniſts have, at the hazard of their lives and fortunes, extended the dominions, and increaſed the commerce and riches of the mother country, [ſo much that in *Joſh. Gee*'s time, it was reckoned, that our colony trade was almoſt the only commerce, by which we were gainers] that therefore the coloniſts do not deſerve to be deprived of the native right of *Britons*, the right of being taxed only by repreſentatives choſen by themſelves.

That an adequate repreſentation in parliament would probably be acceptable to the coloniſts, and would beſt unite the views and intereſts of the whole empire.

A headſtrong miniſter made afterwards ſo good uſe of theſe maſterly obſervations, as to improve upon the ſtupidity of the blind pilots of 1754. For he almoſt ſet *America* in arms, by propoſing to tax them in a time of peace, the money to be applied, not to their defence, but to the general purpoſe of all the *Britiſh* taxes, the ſupport of a ſtanding army, and gorging the rapacity of the ſtate-bloodſuckers. He had the influence afterwards to obtain a parliamentary confutation of the coloniſts doctrine, and a declaration, that 'the 'king and parliament of *Great-Britain* had, have, and 'of right ought to have, full power and authority to

'make laws and ſtatutes of ſufficient force to bind the 'colonies, and his majeſty's ſubjects in them, in all 'caſes whatſoever;' and conſequently in the caſe of taxation without repreſentation. This was literally *Pope*'s divine *right* of governing *wrong*. And the worthy gentleman above referred to, being aſked in the houſe of commons, what he thought of the declaration, anſwered frankly, 'He thought it, and ſuppoſed that all 'the coloniſts would think it, arbitrary and unjuſt.' Some of their blundering doings our profound miniſters were afterwards obliged to undo, to the diverſion of three kingdoms, and the coloniſts.

Grenville would have conſidered, had he been a man of conceptions large enough for a tradeſman's clerk, that by confining our coloniſts to trade only with us, we make them pay our taxes, without directly laying upon them any *internal* tax. For, if half our manufacturers are maintained by them, do they not pay the taxes, which we charge upon thoſe manufacturers? Does not the *conſumer* pay the whole charge of the article he conſumes? But that ſhort-ſighted politician exclaimed, that our *chargeable* colonies ought not to expect immunity from thoſe taxes, which come ſo heavy upon us, and of which charge a great part is occaſioned by the defence of our colonies. Would *Grenville* then have approved of our getting rid of this chargeable appendage? I believe the *French* would have thanked him for a part of the incumbrance, and I believe his own countrymen would have torn him to pieces, if he had propoſed alienating any part of what all conſiderate perſons know to be of ineſtimable advantage to us, if we do not, by injuſtice and falſe policy, diſappoint ourſelves of the advantage.

The object which a commercial nation ought to have always in view, is the enlargement and eſtabliſh-

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ment of its commerce: nor is there any plan more promiſing for this purpoſe, than that of coloniſing. For coloniſts proceeding originally from a mother country, come into the world with a prejudice for that country, which will naturally lead them, in the conduct of their commerce, to favour that country above all others; and this happy prejudice can only be diminiſhed, or eradicated, by ill uſage on the part of the mother country. Nothing brooks conſtraint ſo little as commerce: nothing is more delicate, nothing more ſpontaneous. Whatever proceedings of the mother country therefore break in upon the freedom of commerce, defeat the very intention of coloniſing, and overthrow it to the foundation. By this rule let the wiſdom of our miniſters in taxing the colonies be judged of, or rather the diſtreſs they are in for a little money, and a few poſts and places for their creatures.

CHAP. II.

Our Colonies of great Advantage, and therefore deſerved better Treatment.

GRENVILLE's party, in order to defend their own folly in opening a breach between the mother-country and the colonies, endeavoured to depreciate the value of the colonies to *Britain*, and to ſhew, that were we even to loſe them, the damage would not be great. They pretended, that colonies are naturally prejudicial to the populouſneſs of a mother-country. But they only expoſed their own ignorance. *Davenant*, if they had ever read him, (and they muſt be deep politicians who never read that capital

capital author) would have ſaved them the trouble of falling into this abſurdity. 'It will peradventure (ſays 'that maſterly writer) be a great ſecurity and encou-'ragement to thoſe induſtrious people' [the coloniſts] 'if a declaratory law were made, That *Engliſhmen* 'have right to all the laws of *England*, while they 'remain in countries ſubject to the dominion of this 'kingdom [a]. The coloniſts, the noble diſcoverers and 'ſettlers of a new world, from whence, as from an 'endleſs ſource, wealth and plenty, and the means of 'power and grandeur unknown to former ages, have 'been pouring into *Europe* theſe three hundred years!' What encouragement, what ſecurity do they not deſerve to enjoy! With the deſign of ſetting up, and keeping up a ſtandard, in favour of civil and religious liberty, did the heroic anceſtors of the coloniſts fly from perſecution in their native country; they croſſed the vaſt *Atlantic*; they pierced thoſe woods where no humaniſed foot from the creation had trod; they rouſed the deadly ſerpent in his hole, the ſavage beaſt in his den, and the brutal *Indian* in his thicket; they encountered all the danger and difficulties of forming thoſe ſettlements which have made the *Britiſh* empire what it is.

'Generally ſpeaking (ſays *Davenant* [a]) our colonies, while they have *Engliſh* blood in their veins, and have relations in *England*, and while they can get by trading with us, the ſtronger and greater they grow, the more this crown and kingdom will get by them; and nothing but ſuch an arbitrary power as ſhall make them deſperate, can bring them to rebel.

Colonies do not naturally produce depopulation in the mother country; but rather the contrary. For many

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[a] *Daven.* II. 36. [b] Ibid. II. 10.

many individuals emigrating, cauſe cheapneſs for thoſe, who ſtay behind. They marry, and carry on population. The mother country thus coming to ſwarm with people, they find themſelves obliged to cultivate trade and manufactures, &c.

Davenant accordingly ſhews [a], that *England* is grown both more populous and richer, ſince the improvement of the colonies, than before; that, particularly, from the reſtoration to the revolution, *viz.* 28 years, the number of inhabitants was increaſed 900,000. What indeed has increaſed the wealth and power of the nation ſo much beyond queen *Elizabeth*'s times, but the colonies?

"We cannot but wonder, ſays that excellent author, at their policy who were the firſt promoters of that law in 1695, which puts a difficulty upon, and reſtrains the ſale of any plantation or parcel of land in *America* to foreigners; whereas indeed we ſhould invite and encourage aliens to plant in the *Weſt-Indies*, whereby the crown gains ſubjects, and the nation gets wealth by the labour of others. This ſtatute does peradventure want reviſing. And countries that take no care to encourage an acceſſion of ſtrangers, in a courſe of time will find plantations of pernicious conſequence. It may be computed that there have gone from *England* to the *Weſt-Indies* for many years by a medium about 1800 perſons annually; but then there is reaſon to think, that for ſome time the perſecutions abroad have brought over to us by a medium about 500 foreigners every year; and there are grounds to believe, that for theſe laſt 20 years the *Weſt-Indies* have

[a] II. 2.

have ſent us back annually about 300 perſons of their offspring with this advantage, that the fathers went out poor, and the children came home rich. But if ſuch meaſures ſhould hereafter be taken as will hinder the acceſſion of ſtrangers, or diſcourage the planters from returning back; then theſe colonies would drain us every year of 1800 perſons.

'We ſhall ſhew, that the plantations are a ſpring 'of wealth to this nation; that they work for us; 'that their treaſure centers all here; and that the laws 'have tied them faſt enough to us; ſo that it muſt 'be through our own fault, and miſmanagement, if 'they become independent of *England*.'

Sir *Joſiah Child* thinks, the *New-Englanders*, in his times, conſumed ten times the value, in *Engliſh* manufactures, of what they ſent to *England*. Yet he reckons *New-England* the leaſt advantageous of all the colonies. He thinks, two-thirds of all the *Engliſh* ſhipping was, in his time, employed in the *American* trade, meaning chiefly the continental colonies.

Poſtlethwayte thinks half the *Engliſh* manufactures go to *America*.

At the time of the ſtamp-act, it was computed, that the *Americans* owed *Britain* four millions ſterling: A proof of a prodigious commerce.

The king, *A. D.* 1721, recommended encouraging the colonies to furniſh naval ſtores, which would not only be advantageous otherwiſe to both countries, but would divert the coloniſts from ſetting up, and carrying on manufactures, which directly interfere with thoſe of *Britain*[a].

A. D.

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[a] *Tind.* CONTIN. I. 652.

A. D. 1723, the exports to *Penſylvania* were 15,992*l.* In 1742, they were increaſed to 75,295*l.*

From 1744 to 1748 incluſive, our whole Exports to *America.*

	Northern Colonies. £.		*Weſt-India Iſlands.* £.
1744,	640,114	———	796,112
5,	534,316	———	503,669
6,	754,945	———	472,994
7,	726,648	———	856,463
8,	830,243	———	734,095
Total	3,486,266		3,363,333
		Difference	122,933
		Total	3,486,266

From 1754 to 1758, incluſive.

	Northern Colonies. £.		*Weſt-India Iſlands.* £.
1754,	1,246,615	———	685,675
5,	1,177,848	———	694,667
6,	1,428,720	———	733,458
7,	1,727,924	———	776,488
8,	1,832,948	———	877,571
Total	7,414,055		3,767,859
		Difference	3,646,196
		Total	7,414,055

From this view of our whole exports to our *American* colonies, it appears, that our trade to the iſlands 27 years ago, *viz. A. D.* 1744, amounted to 796,112*l.* and thirteen years ago, *viz. A. D.* 1758, to 877,571*l.*

That

That in 1744 our whole exports to the continent of *America* amounted to 640,114*l.* but in 1758 to 1,832,948*l.* So that in 14 years, *viz.* from 1744 to 1758, our iſland trade has been neither much increaſed nor diminiſhed; but that our trade to the continent was in the ſame period increaſed almoſt three-fold. And in the year 1758, we had not got poſſeſſion of all *North-America*. For the peace, by which we have excluded the *French* from all that part of the continent, which is eaſt of the *Miſſiſſippi*, and are become maſters of a territory, whoſe extent baffles arithmetic, was made in 1763. Suppoſing our trade to the continent of *America* to increaſe at the ſame rate, which nothing was likely to hinder, but our enraging our coloniſts by *Grenville*'s mad and unjuſt project of taxing them, without repreſentation, it is evident, that this alone would have been an inexhauſtible, and endleſs fund of trade. For, if in the laſt of the above quoted years, *viz.* 1758, our trade was increaſed three-fold beyond what it was 14 years before, it was to be expected, that in another period of 14 years, *viz. A. D.* 1772, the preſent year, it ſhould be again increaſed more than three-fold, becauſe our dominion, and number of people in the continent, have received an addition from an extraordinary cauſe, *viz.* the peace of 1763. If ſo, the amount of our exports to the continent of *America*, in 1772, ought to be 5,498,844*l.* And in 14 years more 16,496,532*l.* So that, if the fatal *Grenville* had never been born,

——patriæ et Trojæ communis Erinnys. *Virg.*

here was a fund of trade, which might have employed more manufacturing hands, than would have made this iſland as populous as *Holland*. For many ages will be paſt, before manufactures can come to be cultivated in *America*

America to any ſuch effect as to ſuperſede thoſe of the mother-country. Becauſe, for many ages to come, it will be more advantageous for the working people to take land, ſettle, and marry, than to be journeymen manufacturers. Which likewiſe ſecures a prodigious and ſtill growing and accumulating increaſe of people. It is found, that, on the continent of *America*, the number of the people is at leaſt doubled every twenty years. Therefore, if the number of *Britiſh* people on the continent of *America* be now two millions, (I put the loweſt computation) twenty years hence it will be four millions. Let the reader only conſider one moment, what ſort of head that man muſt have had, who could think of riſquing the loſs of four millions of cuſtomers for the manufactures of his country—all for the ſake—of making a few places for collectors, and commiſſioners of duties and taxes, that he might have ſomewhat to ſtop the *Cerberian* barking of a pack of hungry court-curs. Stateſmen have no right to expect our putting a more candid conſtruction upon their proceedings. If they really meant the public good, we ſhould ſee them aiming at the public good; we ſhould ſee the national debt leſſened, the army reformed, the number of places and penſions reduced, &c.—But to return.

'More than one-fourth part of the *Engliſh* ſhipping 'is ſuppoſed to be employed in the trade to *America*[a].'

The excellent Dr. *Franklin* ſays, the force of the *American* privateers in the laſt war, was greater, as to both men and guns, than all queen *Elizabeth*'s royal navy[b]. He thinks *Britain* can want no trade, but with

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[a] *Hume*, Hist. Stuarts, i. 125.

[b] Letters, p. 206.

with her *American* colonies, which muſt be continually increaſing.

I am aware, that, in diminution of the value of our colonies, the *Grenville* party have alledged, that the coloniſts are very deeply indebted to us, and that they have ever ſhewn a backwardneſs to acquit themſelves of thoſe juſt debts; ſo that our commerce with them is much leſs to be deſired. But is it not notorious, that for many ages together the mother-country had no ſhadow of complaint of this kind againſt the colonies; and that the firſt cauſe of the interruption of payments from *America* was our miniſter's ſtopping the trade between our coloniſts and the *Spaniards* in that part of the world.

Such have our colonies been to us, and ſuch, and more than we can imagine, they would have been to us.

And now it is a favourite object with us, to enſlave and deſtroy thoſe whom we ought both from gratitude and prudence, to ſupport and cheriſh. For, whilſt I am writing theſe lines, Hear, O Heavens, and give ear, O Earth; or rather may the memory of the tranſaction be annihilated both from heaven and earth —At this very hour, we are meditating to deprive the city of *Boſton* of its port during an unlimited period, by which 25,000 people are to be puniſhed, many thouſands utterly beggared, and a loſs of half a million brought upon the inhabitants of that great city for a riot committed by certain individuals unknown; the inhabitants offering to make up the damages. We are propoſing to puniſh the innocent with the guilty, and to puniſh the guilty for acting ſomewhat outrageouſly, after we ourſelves had by our tyranny put them out of their wits.

In the NEWS PAPERS of *April*, 1774, was publiſhed the following compariſon between the proceedings

ings of government againſt *Boſton* in *New England*, for a riot committed there by perſons unknown, and the proceedings of government againſt the city of *Edinburgh*, on account of a riot, *A. D.* 1737, in which captain *Porteous*, of the town-guards, was, by perſons to this hour unknown, taken out of priſon, and put to death, for the ſlaughter of ſeveral people at an execution, for which he was condemned as a murderer, and afterwards reprieved by the queen regent, the king being abroad.

PROCEEDINGS AGAINST *Edinburgh*,	*Boſton*,
Began the 10th of *Feb.* 1737, and ended the 21ſt of *June*, having continued near four months.	Began the 14th, and ended the 31ſt of *March*, 1774, being in all ſeventeen days.
The provoſt and magiſtrates of *Edinburgh*, the judges of *Scotland*, and many other witneſſes examined at the bar.	Witneſſes examined at the privy council, and their evidence ſuppreſſed.
Counſel and evidence for the magiſtrates and city fully heard at the bar.	The agent refuſed a hearing at the bar.
Two members for *Edinburgh*, forty-five for *Scotland* in the lower houſe, and ſixteen in the upper houſe.	Not one member for *Boſton* in either houſe, nor for all or any part of *America*, nor even a voice in electing one.
Charge—An overt act of rebellion, and an atrocious murder—proved on a full hearing, and by competent evidence.	Charge — A riot and treſpaſs—no evidence, and no hearing.

Edinburgh.

Frequent conferences held between the two houſes to compare the evidence, &c.

Puniſhment — A fine of 2000 *l.*

For proof, ſee the JOURNALS of the Lords and Commons in 1737, and the BILL againſt *Edinburgh.*

Boſton.

Not one conference.

Puniſhment—The loſs of their port, to the injury of the town, at the loweſt and moſt favourable eſtimate, of 500,000 *l.* the reſtoration of their port, and of the uſe of their property, left at the king's mercy, after they ſhall have paid for the tea the full price, and all damages, to the amount, we may preſume, of 30,000 *l.*

JOURNALS of the Lords and Commons 1774, and the BOSTON PORT BILL.

CHAP. III.

The Colonies, though ſo valuable to Britain, *have been greatly oppreſſed by the Mother Country.*

'EVERY act of authority of one man' [or body of men] 'over another, for which there 'is not an abſolute neceſſity, is tyrannical [a].'

Our coloniſts have long complained, that we have needleſsly hampered and reſtricted their trade; that, like awkward parents, we have exerted too much authority over our children; while the whole art of managing them conſiſted in letting them alone.

The coloniſts complain, that the governors we ſend them are generally needy men, whom we ſend thither chiefly to fill their pockets; that both governors and judges depend more upon the *Britiſh* court than upon the people whom they are to govern and to judge; that our court gives authority to the commiſſioners of cuſtoms to appoint and pay, at the expence of the people, without their conſent, as many officers as they pleaſe, to the multiplication of placemen, the plundering the people, and the danger of liberty; that the whole people of *America* are put to expence and trouble merely to put a little money in the pockets of a few *Portugueze* merchants in *England*. The coloniſts muſt not import directly from *Portugal* even a little oil or fruit, without having them loaded with the expences of a voyage three thouſand miles round by *England*, which, in war time, increaſes every article 30 *per cent.* and impoveriſhes the colonies. They

[a] *Beccaria*, CRIMES AND PUN. p. 10.

muſt not make a nail, a penknife, or a hat. We empty our jails on them, and fill their country with our rogues and thieves. We oblige their aſſemblies to provide quarters for our ſoldiers, and find them firing, bedding, candles, ſmall beer, or rum, ſalt, vinegar, &c. at the expence of the provinces, in a time of profound peace, though they have little occaſion for a military force at any time, being themſelves all trained to arms. The coloniſts were, however, ſo pleaſed at the removal of the ſtamp-act, that they agreed to the quartering of troops, hoping that it would be only a temporary grievance. But that they might not give place to authority where it was unconſtitutional, they made acts of their own aſſemblies, leaving out ſome of the ſmall articles, as ſalt and vinegar. Even this was found to be rebellion, and the province of *New York* had its aſſembly annihilated for the offence.

The houſe of repreſentatives of *Maſſachuſet's Bay* petitioned the king to remove Sir *Fr. Bernard*, their governor; becauſe, amongſt other things, he had miſrepreſented the coloniſts to the miniſtry in ſuch a manner, that it was thought neceſſary to ſend a military force among them (Inſtead of ſending them ſoldiers, they ſhould have removed grievances.) Thoſe military men turned the aſſembly room into a barrack for the common ſoldiers, and planted the centinels in ſuch a manner, that the councellors and juſtices of the courts were interrupted and challenged in paſſing on their buſineſs. They endeavoured to quarter their troops in the town of *Boſton*, while the barracks were uſeleſs. He diſſolved the aſſembly at the moſt improper time, and arbitrarily refuſed to call another, though often petitioned for ten months together.

The coloniſts complain of general warrants, under which any officer or ſervant of the cuſtoms may break

break open any man's houſe, cloſet, cheſt, &c. at pleaſure; of our court's eſtabliſhing the arbitrary and oppreſſive power of the exciſe laws in the cuſtoms; of appointing judges, during pleaſure, to try all revenue cauſes without jury; of compelling his majeſty's ſubjects in all revenue-matters to take their trials in any of the colonies, however diſtant from their reſpective habitations, where their characters are known; of a ſecretary of ſtate's ſending a requiſition to the aſſembly at *Boſton*, with threats, tending to force their determinations, which ought to be free; of threatening and puniſhing the *American* aſſemblies for petitioning the king, though the act of ſettlement expreſsly ſecures this right to the ſubject; of miſapplying ſeveral *American* revenues; of impowering the crown to ſeize and ſend over to *Britain*, for trial, thoſe of the coloniſts who become obnoxious to the court, without legal indictment, or bill found by jury; of ſuſpending the legiſlative power of the province of *New York*, ſo as to deſtroy that freedom of debate and determination which is the neceſſary, unalienable, and conſtitutional right of ſuch aſſemblies, &c.

Governor *Bernard* complains heavily and repeatedly, that the election of the council at *Boſton* in *New England*, gives the people too much power [a]. What idea, upon the principle of *ſalus populi*, can be formed of too much power in the hands of the people? Suppoſe a people ſhould chooſe to keep all the power in their own hands, and delegate none? Oh, then, we the court, muſt be content to be a part of the people, and have no opportunity of wallowing in wealth and pleaſure, and raiſing great fortunes from the ſpoils of the induſtrious.

[a] See his LETT. TO LORD SHELBURNE.

So *Walpole* oppoſed all reformations of parliamentary abuſes; becauſe they tended to throw too much power into the hands of the *people*. This is the true ſpirit of *courts* and court-tools; and they, who cannot ſee the cloven foot, when thus uncovered to the knee, muſt obſtinately ſhut their eyes.

Dr. *Franklin*, in his examination before the houſe of commons, declared, that the cauſes of the *Britiſh* parliament's having loſt, in great part, the reſpect of the coloniſts, were, 'the reſtraints lately laid on their 'trade, by which the bringing of gold and ſilver into 'the colonies was prevented, the prohibition of paper-'money among themſelves, and then demanding a 'new and heavy tax by ſtamps, taking away at the 'ſame time trial by juries, and refuſing to receive 'and hear their humble petitions [a].'

Governor *Bernard* of *New England*, having refuſed to call a legal aſſembly of repreſentatives, as above hinted, the people of a great many towns ſent to *Boſton* commiſſioners to meet and treat of public affairs, and prevent anarchy and confuſion; but diſclaiming all authoritative or governmental deſigns or acts. This committee of convention petitioned governor *Bernard* for a regular aſſembly as uſual. The governor would not receive the petition, becauſe that would have been acknowledging the legality of the committee of convention, which drew it up. He afterwards ſent them a meſſage, that he could not ſuffer them to continue ſitting, after the aſſembly of the province was, by authority, diſſolved and forbidden to ſit; and that the committee of convention was, to all intents and purpoſes, an aſſembly under a different name. He therefore warns them of the conſequences,

[a] *Alm.* Deb. Com. vii. 113.

ſequences. The committee of convention afterwards remonſtrated to the governor againſt lodging troops in the city, while there were barracks fit for receiving them, and not full, as contrary to act of parliament. The committee of convention afterwards publiſhed a manifeſto, ſignifying, that the deſign of their meeting was to preſerve the peace, and to petition the king in favour of the province, that a regular aſſembly might be called, and grievances redreſſed. The members of the council of the province of *Maſſachuſets Bay* addreſſed general *Gage*, commander of the forces ſent to *Boſton*, excuſing their own conduct, and the diſturbances in *Boſton*, and begging that the military might be moved to the barracks.

I believe they, who are ſo violent for loading our poor fellow ſubjects in *America* with taxes, would think themſelves hardly uſed, if they were hampered in their manufactures and commerce by a people beyond the ocean, in the ſame manner as the coloniſts are by us in many inſtances, ſevere, uſeleſs, and impolitic. Such are our reſtraining them from the uſe of ſlitting-mills and ſteel-furnaces; our prohibiting them the cutting of white pines; our regulations, which oblige them to bring to us all their products, though they might find better markets elſewhere; which is obliging them to ſell to us all their products at our own price; and thoſe other regulations, by which they are prohibited manufacturing many neceſſary articles, or purchaſing them of other nations, only that they may be obliged to have them of us at an advanced price; for we can afford no goods but at an advanced price, loaded as we are with 140 millions of debt, the intereſt of which, amounting to above 5 millions *per annum*, muſt be raiſed in great part out of the profits of our trade.

Thus we make the poor coloniſts ſell to us as cheap as we pleaſe, and purchaſe our goods as dear as we pleaſe. This alone is taxing them with a vengeance.

The *Carthaginians* obliged the people of *Sardinia (væ victis!)* to buy corn of *them* excluſively, at the price they ſet upon it: but we do not hear that thoſe tyrannical conquerors forced the enſlaved *Sardinians* to ſell them their products at a price of their own fixing; while we impoſe this law, not on the *conquered Welch* or *Iriſh*, or the once reſtleſs and rebellious *Scotch*; but on our coloniſts, our once tractable and obedient *children*, to whom we are under greater obligations than to *Scotch*, *Iriſh*, and *Welch*, all put together.

The coloniſts complain, that their trade is peculiarly reſtricted by laws made in a parliament, in which they are not repreſented; that they are taxed in the ſame parliament; therefore have no opportunity of giving, or with-holding, their conſent; which produces a confuſion of taxes, as their *own aſſemblies* are obliged to lay on taxes for defraying the neceſſary expences of their reſpective provinces, at the ſame time that the *mother-country* may be laying on other taxes ſo heavy, that both together may be beyond the abilities of the people. They complain of being obliged to find quarters, firing, bedding, candles, rum, &c. for the *army*, though they are obliged to keep up a *militia* of their own. That their money *raiſed* without and contrary to their conſent, is to be *applied*, likewiſe, without and contrary to their approbation, *viz.* in paying the ſalaries of governors, judges, and other officers appointed by the court, and removeable at its pleaſure. They affirm, that ſeveral of their original charters are, by late laws, ſet aſide; ſo that the ſettlers are deceived out of the privi-

privileges, on the faith of which they firſt left their native country, croſſed the ocean, and eſtabliſhed thoſe colonies, which have been of ſo great value to the mother country. They complain of having been reſtrained by the miniſtry from the privilege of petitioning againſt theſe oppreſſions, and having their aſſemblies annihilated for doing what the Bill of Rights allows to every *Engliſhman*; a ſtretch of power very much reſembling that of *Ch.* II. in ſeizing the charter of the city of *London*.

The act of parliament, by which the ſtamp-act was repealed, aſſerted a power in king, lords, and commons to tax the colonies. But it ſeems, the ſecretary of ſtate alone has power to diſſolve, annihilate, and interdict their aſſemblies. Thus, if our proceedings againſt *America* are viewed on one ſide, the coloniſts are ſubject to *king*, *lords*, and *commons*; if, on the other, the *ſecretary* of *ſtate alone* is their maſter.

Can it be with a favourable deſign to the colonies, that the miniſtry always recommend to the governors, who are generally their creatures, to obtain *permanent* ſalaries for the government-offices? Is there any better means for ſecuring good behaviour in officers, than putting them upon the foot of *quamdiu ſe bene geſſerint?* Stopping ſupplies our anceſtors thought the only ſure way to obtain redreſs of grievances. Give the *American* governors and other officers permanent ſalaries, ſo as they ſhall be independent on the people, and you give them the hint to erect themſelves into petty deſpots and tyrants.

The coloniſts have long complained, that we needleſsly hamper their trade with the ports of *Europe*. Why may not, ſay they, the coloniſts be allowed to fetch and carry in their own ſhips, to and from the ſeveral ports of *Europe*, whatever articles do not interfere

fere with the trade of the mother-country? Are the people of *Britain* afraid, leſt the coloniſts be too thriving? They will only, in that caſe, be the better cuſtomers to the mother-country. For the more luxurious they grow, the more they will want of the *Britiſh* manufactures, unleſs we drive them to other ſhops by our ill uſage, or exorbitant prices. Nothing requires more to be free and unconfined than commerce.

The duty of 3 *d. per* gallon on melaſſes, they ſay, is more than the article will bear, and therefore operates as a prohibition; ſtopping their exportation of horſes, lumber, flour, and fiſh, to the *French* and *Dutch* colonies; and the vent for them in *England* and the *Weſt Indies* is not ſufficient to take them off. The ſtopping the exportation of melaſſes into the continental colonies, hinders their diſtilling, and is a prejudice to the rum-trade with *Africa*, and throws it into the hands of the *French*, and hurts the fiſhery. There uſed to be imported into *Rhode-iſland* only 1,150,000 gallons of melaſſes annually; the duty upon which is 14,375 *l.* ſterling, a larger ſum than ever was in circulation at any one time in the colony. The money to be ſent out, never to return. How is this drain to be kept running? If the colonies be, by our clumſy laws, diſabled from purchaſing *Britiſh* manufactures, who will be the gainers? The reſtricting of the coloniſts from ſending their products to better and more convenient markets, than *Britain*, is a loſs to *Britain* of all the difference; for all the profits, the coloniſts get, have always come to *Britain*; and the more conſiderable their profits, the better for the mother-country.

The courts of vice-admiralty, they ſay, are a great grievance. A cuſtom-houſe-officer may ſeize, for

what he calls probable cauſe, in *Georgia*, and carry the trial to *Halifax*, 1500 miles. The unfortunate owner of the ſeized goods muſt follow. When arrived there, out of the reach of his friends and acquaintance, he muſt give bond, elſe he cannot reclaim his goods. If the judge, perhaps with iniquitous views, pronounces, that there was probable cauſe for ſeizing them, the unhappy man may be ruined, and all his comfort will be the ſame with that of the ſick man, who dies, *ſecundum artem*, of the doctor, that he is undone according to act of parliament. The patience of the coloniſts, for ſo many years, under ſuch ſevere laws, deſerved at our hands other treatment than we have lately regaled them with.

CHAP. IV.

Precedents reſpecting Colonies.

THE conquered nations generally had each a protector in the *Roman* ſenate, as the *Allobroges* had for their patron *Quintius Fabius Sanga*, and they were wont to ſend ambaſſadors to *Rome*[a]. Our *American* colonies, though not conquered countries, have, conſtitutionally, no perſon in our ſenate to plead their cauſe, when we lay taxes on them, without knowing whether they are able to bear them. For the houſe of commons receives no petitions on money-bills, becauſe it is to be ſuppoſed, every place, that is taxed, is repreſented by a member, or members. The rebellions of the *Germans*, *Pannonians*, &c. in *Auguſtus*'s

[a] See ANT. UNIV. HIST. Vol. XIII. p. 140.

Auguſtus's time, were owing chiefly to the extortion of the governors ſet over them, by the *Romans*. A leſſon for our inſtruction with reſpect to our colonies [a]. And ſee *Tully*'s orations againſt VERRES, prætor of *Sicily*.

King *John* IV. of *Portugal* (formerly duke of *Braganza*) conſulting the ſtates about raiſing two millions for the war with *Spain*, for the preſervation of their lately recovered liberties, they deſired the king to give out an edict for raiſing them in whatever way he pleaſed. But that magnanimous prince anſwered, 'That he would have no money, but by the grant of 'his people.' The people immediately raiſed him four millions [b].

The city of *Ghent* refuſed, about 200 years ago, to pay its *quota* of a tax, laid on in the ſtates of the united provinces, becauſe, they pretended, they had a ſtipulation with *Charles*'s anceſtors, that they were to pay no tax, unleſs they gave their expreſs conſent to the laying it on. It was anſwered, that the ſubſidy was granted by the ſtates of *Flanders*, in which their repreſentatives ſat. They reſiſt; and are totally deprived of their liberties by *Charles* [c].

The *Spaniſh Netherlands* were taxed laſt century by the imperial court under the denomination of the circle of *Burgundy*. But this was thought unjuſt, becauſe they were ſubject to the ſtates of the united provinces, and were taxed by their own government, as the *Americans* by their aſſemblies; ſo that they muſt have had the charges of two governments to defray, if they ſubmitted to the imperial tax; which was impoſed on the pretext,

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[a] ANT. UNIV. HIST. XIV. 19.

[b] MOD. UNIV. HIST. XXII. 299.

[c] *Robertſon*'s CH. V. II. 430, 442.

pretext, of their having a voice in the council of the empire; whereas the *Americans* have no voice in the *Britiſh* parliament. They refuſed to ſubmit to the imperial taxation [a].

The *Spaniards* do not make the beſt of their colonies. They give their gold to the induſtrious nations for thoſe manufactures, which themſelves ſhould make, and which would have rendered them a great maritime power [b]. *Philip* II. by ſending vaſt ſums into the *Netherlands* when carrying on his wars, enriched thoſe countries, and made them powerful againſt himſelf. Thus the *Spaniards* are only factors for the reſt of *Europe*. The king and grandees only ſee the gold, and then ſpread it all over the induſtrious nations, and their poor are the pooreſt in the world. The *Spaniards* have ſeveral times made attempts towards a ſpirit of manufactures, but wars have interrupted them. And now, 1771, it has been ſaid, that the king has ſent two merchants to travel through all *Europe*, and learn manufactures and commerce. The continual importation of metal into *Europe*, muſt in time defeat its own intention. Specie is now 32 times leſs valuable, than when the *Spaniards* diſcovered *America* [c].

Batavia is more populous than *Holland*; yet continues ſubject to *Holland*, and of prodigious advantage to the mother country. Why then ſhould we dread the defection or rebellion of our coloniſts, unleſs we mean to force them upon it?

'*Portugal* holds almoſt her exiſtence by her poſſeſſions in *Braſil* [d].' Every nation in *Europe* gains by coloniſing, the *Spaniards* excepted.

The

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[a] Mod. Univ. Hist. xxx. 428.
[b] Ibid. xxxix. 213.
[c] Ibid. 214.
[d] Ibid. xxxviii. 2.

The once prodigious power of the *Portugueſe* in the *Eaſt*, dwindled through the corrupt, effeminate, and unjuſt conduct of the viceroys they ſent to *Goa*[a].

The viceroy of *Manilla* continues in office only three years. His ſucceſſor has power to examine him rigorouſly. Sometimes the ſucceſſor has let himſelf be tampered with; to prevent which the people have taken the trial and puniſhment of wicked governors into their own hands[b]. If the people wiſh their buſineſs done, the ſure way is to do it themſelves.

Davenant, II. 8, thinks, the only danger we are to guard againſt, reſpecting our colonies is, their becoming powerful at ſea; becauſe, while we are their maſters in naval force, we can ſecure their obedience to our commercial laws. But ſurely, in all caſes of commerce, there is ſomewhat neceſſary, beſides mere compulſory government. We may oblige our coloniſts to ſubmit to our laws, and be very little the better for our colonies, if there be not a cordiality kept up between them and us.

CHAP. V.

Of Taxation without Repreſentation.

IT appears by Chap. III. above, that our coloniſts have at all times had ſufficient ground of complaint againſt the mother-country; and that if they had been of that turbulent diſpoſition, and as deſirous of ſhaking off the connexion with us, as the *Grenvillians* falſely pretend, they muſt have given repeated proofs of thoſe bad diſpoſitions. On the contrary, we know, that no people

[a] Mod. Univ. Hist. ix. 290.

[b] Ibid. ix. 460.

people ever were more peaceable, or better affected, than the coloniſts have all along ſhewn themſelves; 'till we bethought ourſelves of inſulting them with taxes impoſed upon them by our parliament, in which they have no repreſentation, and with the direct deſign of raiſing money upon them for our own advantage.

To impoſe taxes, is one of the moſt dangerous parts of a king's, or government's buſineſs.

> Periculoſæ plenum opus aleæ
> Tractas, et incedis per ignes
> Suppoſitos cineri doloſo. HOR.

New taxes have raiſed ſundry rebellions, and diſturbances in *England*, as 9 *Edw.* III. 4 *Rich.* II. 9 *Hen.* VI. 4 *Hen.* VII. 16 *Hen.* VIII. &c. A parliament was ſummoned, 39 *Hen.* III. A demand was made by the court. The commons thought it exorbitant. Would grant nothing, ſo much were they offended; though they aſſembled with the deſign of granting. So the people of *Carolina* lately, at the very time, when they were expreſſing great rage againſt the government's propoſing to tax them without repreſentation, voluntarily taxed themſelves, to a conſiderable value, to make a preſent to a perſon in *England*, whoſe public conduct pleaſed them. The *Roman* ſenate, when *Hannibal* was at their gates, knowing that people will do more voluntarily, than by force, for carrying on the war, propoſed, not a tax, but a benevolence. The conſequence was, that the *Menſarii* (tellers) could not receive the money, it came in ſo faſt.

Nothing produces ſo much ill-blood, as touching people's money. The malt-tax, in *Scotland*, *A. D.* 1712, becauſe thought contrary to the union, had almoſt broke the union, before it was 10 years old.

It

It was an unjuſt tax that produced the terrible inſurrection under *Wat Tyler* and *Jack Straw*, which had almoſt overturned the ſtate. It was an injudicious tax that put the whole kingdom of *Naples* in confuſion under *Maſſaniello* the fiſherman. What effect the attempt to tax our own colonies may produce, remains to be ſeen—and felt. God forbid that it ſhould equal the fears of wiſe and thoughtful men. To provoke three millions of people to their utmoſt rage, is no ſlight affair.

The two counties palatine of *Cheſter* and *Durham*, had (ſays *Petyt*, RIGHT OF THE COM. 45.) parliaments of their own, before the conqueſt, and were not ſubject to any of the laws of the land, unleſs they agreed to them.

It was debated, *A. D.* 1621, whether the county palatine of *Durham* ſhould have repreſentation in parliament, as the reſt of *England*. It was agreed, that it ſhould; but it did not paſs into a law, 'till 25 *Car.* II. when it was ſettled, that the county ſhould have two members, and the city of *Durham* two [a].

Time was, when the city of *Cheſter* had no repreſentation. The privilege of ſending members was granted to that city, 'becauſe (ſays the act 35 *Hen.* VIII. c. 13.) 'the inhabitants thereof have often been 'touched and grieved with acts and ſtatutes made in 'parliament, as were derogatory unto the moſt antient 'juriſdiction, liberties, and privileges thereof, as preju-'dicial unto the commonweal, quietneſs, and peace of 'his majeſty's ſubjects.'

In the ſame manner repreſentation was granted to the biſhoprick of *Durham*; and it was not taxed 'till repreſented in parliament.

Mr.

[a] PARL. HIST. v. 464.

Mr. *Molyneux* (the gentleman, I ſuppoſe, with whom Mr. *Locke* correſponded) wrote a pamphlet, *A. D.* 1698, to prove, that *Ireland* (though a conquered country) ought not to be taxed by the *Engliſh* parliament[a]. In our times it is not. How much leſs our brave coloniſts, who never were conquered?

'In the reign of *Hen.* III. ſays *Davenant*, we find 'where parliaments have not been conſulted, they 'have not thought themſelves obliged to pay the ex-'pence; for as we learn from *Mathew Paris*, king '*Hen.* held a parliament at *Wincheſter*, where he 'deſired an aid from his people, in regard his own 'treaſure had been exhauſted with paying his ſiſter's 'portion to the Emperor, and by his own wedding. 'The parliament replied, That theſe things had been 'done without adviſing with them, and without their 'conſent; and ſeeing they were free from the fault, 'they ought not to participate of the puniſhment. 'The *Poictovins*, to ſerve their own turn, had at ano-'ther time engaged him in an unſeaſonable war with '*France*; upon which he called a parliament, and 'deſired an aid. The barons told him, he had under-'taken it unadviſedly; and that his parliament won-'dered, he would undertake ſo difficult and dangerous 'a buſineſs, without their advice and aſſent.'

In antient times, the lords have given the kings ſubſidies out of their own property. 13 *Edw.* III. the lords granted, for themſelves, a tenth of all the corn growing upon their demeſnes, the commons granting nothing at that time. At other times the knights of the ſhires, have granted ſeparately from the other commoners; and at other times, the repreſentatives of cities and boroughs have granted by themſelves.

[a] DEB. COM. III. 88.

ſelves. But ſtill they granted only what was their own to grant. They did not grant the property of people at the diſtance of 3000 miles, who had not one repreſentative among them.

Gee, in his excellent piece on trade, remonſtrates againſt all meaſures, which tend to hamper our colonies. What would he have ſaid, if he had been told, that the time would ſo ſoon come, when we ſhould, with horror, ſee our adminiſtration eager to ſend an armed force to dragoon them into ſubmiſſion to unjuſt laws, by which their property was to be ſeized contrary to their own conſent, and thoſe brave people by authority declared traitors, ſeditious, rebels, &c. for defending their property?

It has been ſaid on the ſubject of taxing the coloniſts in parliament; Why may not the coloniſts be *taxed* by the ſame aſſembly, which has an unqueſtioned power of making *laws* for them? But this is a confuſed and undiſtinguiſhing way of reaſoning. It is hardſhip enough on the colonies to find their commerce hampered by laws, in the making of which they had no hand, nor could even remonſtrate againſt them, while they were under conſideration. But there may be pretexts for making laws, whoſe operations may eventually bring inconvenience upon the coloniſts; while no pretext can juſtify taxing them, ſo long as they continue unrepreſented. Legiſlation and taxation, are very different things. The *lords* cannot alter a letter in a *money*-bill, though they may amend any other. And it is always to the *commons* the king has recourſe for ſupplies, and to whom he returns thanks for them. The reaſon is plain. The lords have no power over the property of the people. The members of the houſe of commons are the repreſentatives of the commons of *England*; and as ſuch have a dele-

a delegated power to grant ſupplies out of the property of the commons. The lords may at any time raiſe a ſum of money for the crown out of their own property; but they cannot grant out of the property of the commons, becauſe the commons have given them no ſuch power, and becauſe they ſit in parliament upon their own account, and not as repreſentatives.

The *Britiſh* houſe of commons propoſing to tax the unrepreſented colonies in *America* involves, therefore, in my opinion, ſome ſtriking abſurdities. What is, for inſtance, to be the buſineſs of the provincial aſſemblies of repreſentatives in *America*, if the power of taxing the colonies be in the *Britiſh* parliament at *Weſtminſter?* Is it not obvious, that theſe two powers are incompatible? It is notorious, that by their charters ſeveral, if not all the provinces have the right of laying on taxes. And how then is the provincial aſſembly of *New-England*, for example, to lay on a tax of half a crown in the pound, at the ſame time that, for ought that is known in *New-England*, the houſe of commons in Old *England* may be voting a tax upon the people of that province of ſeventeen and ſixpence in the pound? If we may put any truſt in the firſt rule in arithmetic, here is the whole pound gone. Again: What could be more abſurd than the commons giving and granting what was neither their own property, nor that of their conſtituents, what they had no more right to give and grant, (no man can give away a free ſubject's property, but himſelf or his repreſentative) than they had to give and grant the property of the people of *Holland* or *France?* Again: The king was, according to cuſtom, to thank the commons for granting the *American* tax. But how was he to thank them? For ſparing their own pockets, and taking out of thoſe of the coloniſts againſt their

conſent? Or was he to thank the coloniſts, who were to pay the money? Certainly not. They were to pay it againſt their inclination.

The taxing of the unrepreſented colonies is ſo unjuſt, that were it ever ſo prudent, it ought not to be done. It is ſo impolitic, that were it ever ſo juſt, it ought not to be thought of.

'If the king is to *take* at his pleaſure, what have 'we to give?' was the common argument againſt *Ch.* Iſt's raiſing money without conſent of parliament; and may, with equal propriety, be uſed by our coloniſts againſt their being taxed by the *Britiſh* parliament, in which they have no repreſentation.

Edw. I. ſummoning one of his parliaments, uſes theſe words, *Ut quod omnes tangit ab omnibus probetur.* He would have them conſult about public affairs, 'that what concerns all, may be approved by all.' A ſound maxim ſurely. But would our taxing the coloniſts contrary to their approbation, be acting upon this principle?

Some ſhort-ſighted defenders of the late oppreſſive meaſures taken with our *American* brethren have attempted to wheedle them into a perſuaſion, that their being taxed by the *Britiſh* parliament, in which three millions have not one repreſentative, is no greater hardſhip than what is ſuffered by the mother-country, in which, though repreſentation, as I have ſhewn in the former volume, is as far from adequate, as can well be imagined; yet ſix millions have 558 repreſentatives, and in which every man, woman, and child, by living in one *county* or other, is repreſented by one or two members, who cannot tax them without taxing themſelves, their children, their friends, dependants, tenants, &c. If the three millions of coloniſts had 279 repreſentatives in parliament (the half of 558) it might

might then be time to make compariſons between their caſe and that of the mother-country. Till then, or till they have ſome ſhadow of repreſentation, nothing can be more abſurd.

We have lately ſeen all *England* beſetting the throne with complaints, that *one county* is deprived not of repreſentation, but of *one* particular favourite individual, as one of their two repreſentatives, while they may chuſe any other individual upon the iſland in his place; and this not to *perpetuity*, but only during *ſeven years* at moſt; this we have lately ſeen, and we wonder, that *three millions* ſhould complain, that they are to be taxed from age to age to whatever amount it may pleaſe the *Britiſh* parliament to impoſe on them, in which they have not the ſhadow of a repreſentative. Would they be the poſterity of true *Britons*, if they did not complain of this?

The firmneſs ſhewn by the coloniſts againſt what to them is preciſely the ſame oppreſſion as to us it would be to have taxes laid on us by an edict from the throne, has, by very high authority, been pronounced *ſedition* and *rebellion*: but with all due ſubmiſſion to authority, (—truth and juſtice are above all authority) when the illuſtrious *Hampden* reſiſted the lawful ſovereign's unlawful demand of only three ſhillings and four-pence, becauſe he had no voice in conſenting to the laying on the ſhip-tax, was he too guilty of *ſedition* and *rebellion*? If he was, we are all rebels, but the jacobites; and our gracious king *Geo.* III. (whom God preſerve) is an uſurper; for the revolution was brought about with the direct deſign of preventing any man's property being ſeized without his conſent given either in perſon or by repreſentative, which makes it the ſame to our coloniſts to be taxed by the parliament of *Britain* as by that of *Paris*.

Suppoſe the *Britiſh* parliament ſhould imagine a tax to be paid excluſively by thoſe who have *no vote* for members of parliament, as the people of *Mancheſter*, *Ely*, &c. Would not this be univerſally decried as the moſt flagrant partiality? Yet this would be more plauſible than a *Britiſh* parliament's taxing *America*; becauſe the members cannot be ſuppoſed competent judges of the abilities of the coloniſts to bear taxes; whereas they are undoubtedly judges of the ability of their own countrymen, whether voters or not. Again: Suppoſe the pariſhes in the county of *Middleſex* to ſend two repreſentatives each to a parliament, or legiſlative aſſembly, excluding only that of *Iſlington* from repreſentation. Suppoſe this legiſlative aſſembly to lay taxes on the unrepreſented pariſh of *Iſlington*; Could it with any reaſon be expected, that the pariſhioners of *Iſlington* ſhould quietly ſubmit to ſuch groſs abuſe? Yet this would be leſs inconſiſtent with equity than a *Britiſh* parliament's taxing *America*, becauſe the repreſentatives of the other pariſhes of *Middleſex* muſt be ſuppoſed competent judges of the ability of the *Iſlingtonians*; whereas the members of the *Britiſh* parliament can be no judges of the ability of the coloniſts.

Magna Charta, and the Bill of Rights, prohibit the taxing of the mother-country by prerogative, and without conſent of thoſe who are to be taxed. If the people of *Britain* are not to be taxed, but by parliament; becauſe otherwiſe they might be taxed without their own conſent; does it not directly follow, that the coloniſts cannot, according to *Magna Charta*, and the bill of rights, be taxed by parliament, ſo long as they continue unrepreſented; becauſe otherwiſe they may be taxed without their own conſent?

At the time when the famous ſtamp-act of bleſſed memory was invented, the colonies were ſaid to be indebted

debted to *Britain* to the amount of no leſs than four millions, occaſioned by their want of ability to make remittances, the conſequence chiefly of our ſevere reſtraints on their commerce. The coloniſts are almoſt all farmers, wholly dependant on the produce of their lands, contented, and conſequently happy; but in no condition to bear taxes, otherwiſe than by enabling us to pay our taxes out of the produce of their tobacco, rice, indigo, corn, lumber, wood, fiſh, furs, *&c.* How poor in caſh muſt thoſe countries be, where the ſheriffs, in raiſing the annual taxes laid on by the aſſemblies, are often obliged to make returns into the treaſury, of houſhold goods taken in execution for want of caſh; which goods cannot be ſold for want of money to purchaſe them; where men of the beſt credit cannot raiſe caſh to pay debts inconſiderable when compared with their eſtates; where creditors, when they ſue to execution, obtain orders for ſale of lands and goods, and though they offer thoſe lands and goods for almoſt nothing, they are nothing the nearer being reimburſed, becauſe there are no monied men to purchaſe after repeated advertiſements of the ſales. Thus the debtor is ſtripped, and the creditor not paid, and they break one another all round. And this very diſtreſs has been increaſed by thoſe very miniſters, whoſe taxation-ſchemes particularly required all meaſures to be uſed, which were likely to promote a circulation of caſh in the colonies. We have followed the example of the *Egyptian* taſk-maſters, demanding money of the poor coloniſts at the ſame time that we put a ſtop to their trade with the *Spaniſh* colonies, the only means by which they could obtain wherewith to ſatisfy our demands. Here is a complication of blunders beyond the power of language to ſet forth in an adequate manner.

Even governor *Bernard* (no friend to the coloniſts) owns their inability to bear taxes. 'I can (ſays he) 'readily recommend that part of the petition, which 'prays relief againſt thoſe acts which are made for the 'purpoſe of drawing a revenue from the colonies. 'For they are ſo little able to bear drawing money 'from them, that they are unable at preſent to pay 'the charges of their ſupport and protection [a].'

It was very fairly made out, that the coloniſts were not, generally ſpeaking, in circumſtances to pay the ſtamp-duty. And to raiſe the price of juſtice ſo high, that the people ſhall not be able to obtain it, is much the ſame as flatly denying them juſtice; while *Magna Charta* ſays, *Nulli negabimus, nulli vendemus juſtitiam, &c.*

By the *Grenvillian* politics, the *American* aſſemblies were not only to be ſtripped of the power of *giving* their own; but of *defending* their own. The ſtamp-duties were expreſsly declared to be for raiſing a revenue for making a more certain and adequate proviſion for the government of the colonies. As if the colonies had not common ſenſe to conſult for their own defence, and the adminiſtration of juſtice. Courts are always for over-governing. This was rendering the *American* aſſemblies uſeleſs. On this principle, any number of the creatures of a court might have been ſaddled upon the coloniſts, with ſalaries to any amount, and all on pretence of a certain and adequate proviſion for the ſupport of government and adminiſtration of juſtice. This is the œconomy in *Ireland*; a conquered country. But the *Grenvillian* politics treat the colonies worſe than *Ireland*. For we leave to the *Iriſh* the power of taxing

[a] Governor *Bernard* to lord *Hillſborough*, *July* 16, 1768.

taxing themſelves in their own parliament; while we tax the colonies in the *Britiſh* parliament, where they have not one repreſentative.

Before the taxing of the unrepreſented colonies was thought of, the miniſtry ought to have reduced exorbitant ſalaries, abated, or aboliſhed exceſſive perquiſites, annihilated uſeleſs places, ſtopped iniquitous penſions, with-held electioneering expences, and bribes for votes in the houſe, reduced an odious and devouring army, and taxed vice, luxury, gaming, and public diverſions. This would have brought into the treaſury ten times more than *Grenville* could ever expect from taxing, by force and authority, the unrepreſented colonies.

Even a conquered city has time given it to raiſe the contribution laid upon it; and may raiſe it in its own way. We have treated our colonies worſe than conquered countries. Neither *Wales* nor *Ireland* are taxed unheard and unrepreſented in the *Britiſh* parliament, as the colonies. *Wales* ſends members to parliament; and *Ireland* has done ſo. And as *Ireland* is not now repreſented in the *Britiſh* parliament, neither is it taxed in the *Britiſh* parliament.

It is frivolous to alledge, that becauſe the mother-country has been at expences for the colonies, therefore the *Britiſh* parliament may tax them without allowing them any legal opportunity of remonſtrating againſt the oppreſſion. The mother-country has ſpent her blood and her treaſure in ſupporting, at different times, *France* againſt *Spain*, and *Spain* againſt *France*, *Pruſſia* againſt *Hungary*, and *Hungary* againſt *Pruſſia*, and ſo on, without end. Does this give our parliament a right to tax all *Europe?*

What difference is there between the *Britiſh* parliament's taxing *America*, and the *French* court's laying

ing *England* under contribution? The *French* court could but do this, if they had conquered *England*. Have we *conquered* our colonies?

But are then the coloniſts, it will be ſaid, to be complimented with immunity from all ſhare of the public burden, while they enjoy their ſhare of the public protection? How will the neceſſary uniformity of the whole monarchy be preſerved, if it be left to the diſcretion of a fifth part of the whole people, whether they will contribute any thing, and how much, to the general ſupplies?

The queſtion was not, Whether the coloniſts ſhould contribute to the public expence. The *Grenvillians* knew, that when requiſition had been made by government, the coloniſts had anſwered their demands; particularly in the years 1756, 7, 8, 9, 1760, 61, and 62; they knew that the town of *Boſton* contributed for ſeveral years together twelve ſhillings in the pound. Our government, therefore, thought it but juſt to reimburſe the colonies a part of their exceſſive expences. But their ſucceſſors, contrary to the ſenſe of all mankind, thought it better to obtain by *force*, than with a *good-will*. Accordingly we find ſo early as *A. D.* 1765, immediately after the firſt of the coloniſts ſhewed a little courage in refuſing to ſubmit to taxation without repreſentation, orders were given to governor *Bernard* to employ the military under general *Gage* in ſuppreſſing the ſpirit of liberty [a].

Where would have been the harm of making a fair and moderate propoſal to the colonies? If they raiſed the money in obedience to our requiſition, as formerly, all was well. But ſurely it was ſoon enough to

[a] *Alm.* Deb. Com. vii. 82.

to propoſe levying money upon them by parliamentary taxation, when they refuſed to give upon requiſition.

Inſtead of this, the court-language all ran in the imperative mood. 'A ſpirit of faction in *America*— 'acts of violence, and reſiſtance to the execution of 'the law—ſtate of diſobedience to all law and govern- 'ment—meaſures ſubverſive of the conſtitution——, 'a diſpoſition to throw off all dependence on the 'mother-country—ſteady perſeverance neceſſary to 'inforce the laws—turbulent and ſeditious perſons, 'who, under falſe pretences, have deluded numbers 'in *America*, and whoſe practices cannot fail, if ſuf- 'fered to prevail, to produce the moſt fatal conſequen- 'ces to the colonies immediately, and, in the end, 'to the whole *Britiſh* dominions.' Thus did our miniſters put into the mouth of their amiable S——— a language as remote from his diſpoſition, as integrity is from theirs; ſetting him before his people in the character of an *eaſtern deſpot*, and not of the *father* of his ſubjects. See a certain ſpeech.

Could not *George Grenville* have propoſed, That the colonies ſhould ſend over a certain number of agents who, by act of parliament, ſhould have ſeſſion and ſuffrage in our houſe of commons, during a certain period, in order to ſettle what ſum the colonies ſhould raiſe in proportion to the contribution raiſed by *England*—and to determine concerning the colonies ſending, or not ſending, members to ſubſequent parliaments? If it had been objected to this propoſal, that the coloniſts ſending over a ſet of temporary members to our parliament was a thing wholly unprecedented, he might have anſwered, that at the glorious revolution the corporation of *London* was introduced, and ſat and voted in the houſe of commons; and the acts of the convention parliament were afterwards

eſtabliſhed

eſtabliſhed by a regular parliament compoſed in the uſual manner, of king, lords, and commons. And as to the quota, or contingent, to be raiſed by the coloniſts, it might have been made to regulate, as that of *Scotland*, by the contribution in *England*, in ſuch a manner, that when the taxes raiſed in *England* amount to a certain ſum, *America* ſhall contribute a thirtieth, fortieth, or fiftieth part of that ſum. The coloniſts would naturally have ſent over their ableſt men and beſt patriots. They would have been prejudiced in favour of what thoſe men had agreed to; or thoſe men would have ſatisfied our parliament, that it could anſwer no good end to lay taxes upon the colonies; as all their money centers at laſt in *England*, and the more we raiſe upon them by way of tax, the leſs we can gain by them in the way of commerce. The colonies could not then have complained of taxation without repreſentation, or of having their money taken from them by force. This would have been treating them as *England* did *Scotland* at the union; and ſurely no one will pretend that *England* is not under greater obligations to the colonies than to *Scotland*.

In the time of *Edw.* III. a parliament was directed to meet at ſeveral different parts of the country at the ſame time, becauſe the whole parliament could not aſſemble ſpeedily enough at *Weſtminſter* [a]. I ſuppoſe the provincial meetings communicated their reſolutions to that part of the parliament which met at the ſeat of government; and thoſe reſolutions which were made by the greateſt number of the provincial meetings were to paſs into laws. Suppoſe, that in imitation of this plan, a correſpondent parliament had been formed in *America*; their reſolutions communicated

[a] PARL. HIST. I. 308.

cated to the *Britiſh* parliament, would have regularly and conſtitutionally informed the latter, of the ſenſe of the coloniſts upon every important point; which cannot now be done in any conſtitutional way; as the houſe of commons receives no petitions upon money bills, and the coloniſts have no members in the houſe. The reader ſees that various ways might have been propoſed for raiſing taxes upon the colonies, if it had been found proper to raiſe ſuch taxes, none of which ways would ſo have irritated the coloniſts, or given them ſuch an opportunity of exclaiming againſt the injuſtice and rapacity of the mother-country.

On the contrary, ſuch was the relentleſs fury of the miniſtry, *A. D.* 1768, againſt the coloniſts, that they propoſed to addreſs the king to fetch over any of them, who had ſhewn oppoſition to taxing without repreſentation, to be *tried in England*, for that no jury in *America* would find them guilty, the people being all of one ſentiment relating to that ſubject. This was fairly declaring, that they would rather ſee the conſtitution (which requires that the accuſed be tried by perſons of the vicinage, ſuppoſed to know his character and behaviour) violated, than not ſee the *Americans* puniſhed [a]. And if ſuch a law ſhould ever be enacted, and the ſpirit of contention ſhould be kept up, we may ſuppoſe a diſturbance to happen in every town of *North America*, and that it will be neceſſary to fetch over half the people of the plantations as witneſſes, or as atteſtors to the character of the accuſed perſons. All the ſhipping that belongs to both mother-country and colonies, will be inſufficient for bringing over and ſending back the multitudes that will be wanted on ſuch occaſions. And how is this expence

[a] *Alm.* Deb. Com. viii. 43.

expence to be borne? the freight and charges, I mean, of ſo many hundred thouſands of witneſſes, as will be ſummoned? And how is the buſineſs of the coloniſts to be carried on during their abſence in *England?* How are the damages ariſing from their abſence to be made up? How is the loſs of many innocent lives to be made up? For many of theſe ſhips will of courſe be caſt away, and many paſſengers will contract deadly diſeaſes, by change of climate, &c. The objections to this ſcheme are, in ſhort, beyond reckoning, many of which will occur to every reader. An eminent member of the houſe of commons very lately declared in the houſe, that in his opinion, the whole proceedings of the miniſtry, with reſpect to the colonies, are *Frenzy*. But, to proceed,

The miniſtry, in the ſame year 1768, inſiſted on a declaration againſt the coloniſts founded upon a ſuppoſed illegal reſolution of the aſſembly of *Boſton*, which reſolution they could not produce when called upon, and which governor *Pownal* aſſured the houſe had never been made in the aſſembly of *Boſton*, and that the ſuppoſition of its having been made, was owing to a miſtake, and ſhewed how the miſtake aroſe. 'The chorus-men, who, at proper times, 'call for the queſtion, helped them at this dead lift, 'by an inceſſant repetition of *the queſtion*, *the queſ-* 'tion' [that is, in plain *Engliſh*, Let us vote, right or wrong, as the miniſtry would have us.] 'At 'length, at 4 o'clock in the morning, the whole 'houſe in confuſion, the reſolutions and addreſs 'were agreed to; upon which a member remark- 'ed, "That it was indecent to bring into the "houſe reſolutions ready cut and dry, only for the "drudgery of paſſing them. That it was more "indecent to paſs them in ſo confuſed a manner; "but

"but moſt indecent to anſwer all arguments with "*The queſtion, the queſtion* [a]."

If the coloniſts ſhould object, that it will be very inconvenient for them to ſend members from ſuch a diſtance, it may be anſwered, that ſo it is for the northern parts of *Scotland*. All theſe matters of convenience muſt be as chance orders them. Nor can any two parts of a great kingdom enjoy preciſely the ſame advantages in all reſpects.

Were parliaments ſhortened, were they reſtored to their efficiency, and ſet free from court-influence, the coloniſts might ſend as repreſentatives any ſet of men poſſeſſed of property and common underſtanding. Members would then have no intereſt to purſue, but that of their country. They would of courſe be honeſt, becauſe they would have no temptation to the contrary. And an honeſt parliament would make all people in public ſtations honeſt.

Some of the *American* coloniſts charters expreſsly ſecure to them the privilege of taxing themſelves. It would be flagrant treachery for the mother-country to tax thoſe colonies; for nothing, but abſolute neceſſity, and the ſafety of the whole, (which it would be ridiculous to mention on this ſubject) could juſtify deceiving the poſterity of thoſe people, who truſted to the faith of the mother-country, and ſettled thoſe colonies upon the expreſs ſtipulation of not being taxed by parliament. If the coloniſts charters give them the excluſive power of taxing themſelves, the *Britiſh* parliament's taxing them, is deſtroying their charters. If the *American* charters may be deſtroyed, the charters of all the cities, and thoſe by which all crown lands are held, may be annihilated.

The

[a] *Alm.* Dep. Com. viii. 47.

The purport of all the colony-charters is, That all the emigrants, and their poſterity, do enjoy for ever, all the privileges and liberties, which *Engliſhmen* do in *England*. And they were to pay to the king, a fifth part of all the gold and ſilver ore found in *America*, and no other tax. Is it allowing them the privileges of *Engliſhmen* to tax them without giving them repreſentation? Is not every *Engliſhman* repreſented by his county-members.

The *Britiſh* parliament cannot juſtly alter the charters of the colonies, without giving the coloniſts indemnification for whatever they may ſuffer in conſequence of ſuch alteration. And how ſhall ſeveral millions of people be indemnified for being obliged to what they never expected, and, on the contrary, thought themſelves, by their charters, ſecured againſt. I mean, being taxed by thoſe, whoſe intereſt it is, in order to lighten their own ſhoulders, to lay a grievous burthen on theirs.

The *Americans* are already under the ſame grievance as the mother-country, viz. Of being unequally repreſented in their own aſſemblies, which yet have power to tax them. To ſubject them to be taxed by the *Britiſh* parliament, would be ſubjecting them to two taxing powers. This would be an additional grievance, unknown in *Britain*, which is ſubject only to one; it would be an additional grievance, even ſuppoſing *America* repreſented in parliament, in an adequate manner, as many parts of *Britain* are. But how would the injuſtice be doubled and trebled, if the *Americans* were taxed in the *Britiſh* parliament, in which they have no repreſentation adequate, or inadequate! The *Britiſh* parliament's taxing the colonies, without repreſentation, is treating them as papiſts, or rebels. Nay it is treating them as *France* would treat *England*,

England, if, for our ſins, we were become a conquered dominion under her.

A. D. 1772, governor *Pownal*, upon lord *Barrington*'s moving, that the report of the committee on the mutiny-bill might be read, requeſted the houſe, that, before it paſſed, its effects on the colonies might be conſidered. That the queſtion was of no leſs importance, than, 'Whether or not there ſhall remain 'eſtabliſhed by power againſt law and the conſtitu-'tion, a military government in *America*, excluſive of 'the ſupreme civil magiſtrate. I am ſorry (ſays he) 'to find ſuch a heedleſs inattention in gentlemen to 'the concerns of public liberty[a].' He then puts the houſe in mind of the remonſtrances he had formerly offered on the ſame ſubject. 'I ſtated (ſays he) the 'powers of the charters, and thoſe of the military 'commiſſions. I ſhewed them to be incompatible and 'illegal.' He then affirms, that the caſe was not fairly ſtated to the crown lawyers, who juſtified it, nor, conſequently, were their opinions law. He therefore deſired to have an opportunity of calling for the opinion of the attorney and ſolicitor general, in order to bring on in form the conſideration of that great queſtion; and that the further reading of the report be adjourned. Lord *Barrington* oppoſed all conſideration; becauſe the ſervants of the crown might come into cenſure. Governor *Johnſtone* pronounced the military commiſſion illegal, impracticable, and ſelf-contradictory. Governor *Pownal* ſaid, 'I know, 'it is to no purpoſe to preſs a motion, which a majority 'can refuſe. But if thoſe gentlemen will let us have 'the caſe and opinion, and by that means, a proper 'ground for debating the queſtion, I am ready to meet

[a] *Alm.* DEB. IX. 337.

'them on that ground. And as I see in his place one 'of the learned gentlemen, who signed the opinion, [for the legality of the military commission] 'if he 'will in his place rise up and defend the present esta- 'blishment and practice, I am ready for the argument.' The learned lawyer was afraid to engage with the unlearned gentleman; and the ministry, as usual, prevailed.

Egregiam vero laudem, spolia ampla refertis.

VIRG.

It has been thought, that our misconduct with respect to our colonies has been the chief cause of the late unexampled confusions in credit. The colonists were accustomed to take from *Britain*, to the value of 500,000 *l.* annually in teas. Our wise taxation-schemes put them upon refusing our teas all admission into *America*. This prejudiced our *East-India* company, and lowered the price of *India* stock; which occasioned many adventurers in that stock, both in *Britain* and *Holland*, to fail. Such mischief a rapacious and blundering ministry can bring upon their country, in scrambling after a little money to gratify their creatures.

I do not pretend to justify all the steps that have been taken by the colonists. It is not easy for the most stoical individual to keep up his philosophy when provocation runs high, much less for a mixed multitude of all sorts of people. The first aggressors in all such cases, are chiefly to blame; though those who resist in an unjustifiable manner, are not innocent.

The *Bostonian* proceeding, *A. D.* 1773, in destroying the tea, on account of the duty laid upon it, must be given up as inexcusable; since all they had to do was to keep firm in their resolution, not to buy or drink any

of it[a]. But why did our government provoke the people of *Boſton*, by ſending them theſe cargoes of tea, loaded with an invidious duty?

Nothing is more peaceful by nature, than the element of water; yet we ſee to what a height the waves upon the ocean are raiſed by the winds, with what fury they daſh the ſtrong ſhips of ſeveral thouſand tons burden, and beat them to pieces. Nothing is more innocent than the cattle, of which ſo many hundreds are driven into this great metropolis every week, 'till they be provoked. A boy of fifteen may drive a whole herd of them before him; but if a ſet of brutal butchers, with their ſticks and dogs, ſet themſelves to enrage thoſe placid animals, they immediately change their nature, and become as furious as lions and tygers; they toſs with their horns whatever comes in their way, and happy is he that can make his eſcape. So our coloniſts had originally the very diſpoſitions we could have wiſhed; they had the moſt implicit reſpect for the mother country. Our prime miniſter's grey-gooſe-quill governed them, 'till that fatal hour in which the evil Genius of *Britain* whiſpered in the ear of *George Grenville*, '*George!* erect 'thyſelf into a great financier.'

The miniſtry paid, from the beginning, no regard to the univerſal diſſatisfaction occaſioned by, and univerſal oppoſition made to taxing the unrepreſented colonies.

A. D. 1765, *Jan.* 17, a petition was preſented to the houſe of commons from the merchants of *London* trading to *America*, ſetting forth, that the colony trade, of infinite advantage to *Britain*, ſuffered grievouſly by

[a] WHITEHALL EVENING, *March* 15, 1774.

the coloniſts being reduced to a ſtate of inability to diſcharge the debts owing by them to *Britain*, by means of taxes and reſtrictions laid on them by government, particularly by the ſtamp-act. There came afterwards petitions to the ſame purpoſe from *Briſtol*, *Liverpool*, *Halifax*, *Leeds*, *Lancaſter*, *Mancheſter*, *Leiceſter*, and other great trading and manfacturing towns.

Here follow the heads of Mr. *Pitt*'s ſpeech in the houſe of commons on the ſame ſubject.

He inſiſted, that every capital meaſure, the miniſtry had taken, was wrong. *George Grenville*, the *American* tax-maſter, ſate by him. He ſays, he plainly diſcovers the traces of an over-ruling influence in the conduct of the then preſent miniſtry. Obſerves, that a more important ſubject had not been before the houſe ſince the revolution. He acknowledges the ſoverainety of the mother-country over the colonies in all caſes, but that of impoſing taxes, which is no part of governing or legiſlative power. That in a free country the ſubjects repreſented in parliament are ſuppoſed to grant ſupplies voluntarily; but that the coloniſts had no opportunity of giving voluntarily, having no repreſentation in parliament to grant for them. That it is an abſurdity in terms for the houſe of commons of *Britain* to pretend to give, or grant, to the king, what was not their property, but that of the coloniſts. 'We, your majeſty's commons of *Great Britain*, being 'unwilling to give or grant your majeſty any farther 'ſupplies out of our *own* pockets, have made a law for 'obliging our fellow-ſubjects of *America* to pay, 'whether willingly or unwillingly, what they have 'no opportunity of *granting* voluntarily [a].'

Grenville

[a] Lond. Mag. 1766, p. 507.

Grenville in anſwer ſaid, he could ſee no difference between external taxation [meaning the mother-country's reſtricting the trade of the colonies, perhaps for the benefit of both] and internal [or ordering the coloniſts, in the ſtyle of conquerors, of robbers, I was going to ſay, to pay ſo much money, whether they chooſe to grant it, or not.] He then, in a jeſuitical manner, obſerves, that many individuals and bodies of men in *England* are taxed in parliament who have no repreſentation; while he knew, that every man in *England* is repreſented by his county-members at leaſt; and that, while parliament (if unbribed) cannot over-tax the people without over-taxing themſelves, on the contrary, the greater burden they lay upon the *Americans*, the leſs themſelves will have to bear. He obſerves, that protection and obedience are reciprocal. That if *Britain* protects, *America* is obliged to obey [every juſt law; but not every unjuſt one.] He overlooks the great advantage *Britain* gains by *America*, by which ſhe is enabled to protect herſelf, and her colonies, for her *own ſake*. He raves againſt the coloniſts for ſhewing a little ſpirit in oppoſition to oppreſſion; but he takes no notice of their hardſhips in being taxed without repreſentation, except that he mentions *Cheſter* and *Durham* as having been taxed before they were repreſented, and accordingly they demanded, and immediately obtained repreſentation. See the preamble to 34 and 35 *Hen.* VIII. in which the complaint of the people of the county palatine of *Cheſter* of the diſheriſon and damages ſuffered by them for want of repreſentation in parliament, might, *mutatis mutandis*, be exhibited by our *American* coloniſts.

Mr. *Pitt* went on afterwards, and applauded the ſpirit with which the coloniſts had reſiſted tyranny. He affirms, that *Britain* gains 2,000,000*l.* annually

by her colonies. That by means of this advantage, eſtates which 60 years ago were let for 2000 *l.* a year, now yielded 3000 *l.* and lands now ſold for thirty years purchaſe inſtead of eighteen. That our profits by *America* carried us triumphantly through the late war. 'And ſhall a miſerable financier come with a 'boaſt, that he can fetch a pepper-corn into the ex-'chequer to the loſs of millions to the nation[a] ?'

Suppoſe the taxing of the colonies ſhould ſwell the treaſury (which it will certainly not do, but the very contrary) we ſhould then only have the coloniſts all. That we have now. Then we ſhould have it with a grudge. Without taxing them, we always have had, and, for many ages, ſhall have, all the money they can raiſe. For they muſt have our manufactures. If we inſiſt on taxing them, and irritate them in ſuch a manner as to diminiſh our commerce with them, who will be the gainers? Such policy will neither ſuit miniſtry nor people.

I have been told by pretty good authority, that the neat produce of our judicious taxes on our colonies, by which we have loſt (to mention only one article) the ſale of teas to the amount of 500,000 *l. per ann.* amounted laſt year, *viz.* 1772, to the reſpectable ſum of 85 *l.* ſterling money. Such is the wiſdom of our miniſters!

Is this a time for us to leſſen our public income? Do we not, as we manage matters, find difficulty enough in defraying the public expence with the largeſt public revenue we can raiſe? Have we been able to eaſe the nation of any part of the heavy load which lies upon our commerce? Have ten years of peace ex-

[a] Lond. Mag. 1766, p. 511.

extinguiſhed any part, worth mentioning, of the public debt? Do not our miniſters know, that a compariſon between the preſent ſtate of the *French* finances and ours is enough to make an *Engliſhman*'s blood run cold? If *France* ſhould think of taking this opportunity to make an attack upon us, are we in a condition to go to war with that formidable enemy; or does it ſhew our miniſtry to be endowed with common ſenſe, who can find no time but this to ſupport the miſ-named dignity of government, to compel the coloniſts to what they call a due ſubmiſſion to government, *&c.* Will the vindication of the pretended honour of government, if it were to be vindicated by the propoſed meaſures, make up for the diminution it will produce in our trade and revenues? Will the conqueſt of our colonies indemnify us for our being conquered by *France?*

Suppoſing the effects of violent meaſures with the colonies to prove leſs fatal than the apprehenſions of many, their loweſt conſequences muſt be a diminution of our trade and revenues. This we are from experience certain of; for we already feel it. But ſuppoſe thoſe effects to prove ſuch as may naturally be expected; how will it be with us, when we find the public revenue fall ſo ſhort, that it will not ſtretch to pay the public creditors their whole dividends? What will a ſet of raſh and hot-headed ſtateſmen be able to advance for defending themſelves againſt the rage of many thouſands ſtripped of, perhaps, half their incomes.

The more violent of the anti-coloniſtical party ſeem to build their main hope of reducing the *Americans* to obedience on a *military force*. But it may be remarked concerning this ſcheme, That it will either prove ſucceſsful, or not: If the latter, then will the

impotence of our government appear more conſpicuous to all *Europe*, *Aſia*, *Africa* and *America*, and the adviſers of the meaſure will be aſhamed of it, and wiſh it had never been adopted. If, on the contrary, the coloniſts ſhould find themſelves obliged to yield ſo much againſt their inclination to this military force, notwithſtanding the many advantages they have above what the mother-country can boaſt of for defeating a deſign upon their liberties—let the people of *England* conſider with horror what a frightful hint this gives to the enemies of liberty for enſlaving the mother-country. I am myſelf a friend to liberty, and therefore will not explain more minutely. Theſe are hopeful politics, whoſe conſequences are too ſhocking for a good citizen to explain.

In ſhort; The new method of taxing our coloniſts in parliament, where they have no repreſentation, *adequate* or *inadequate*, is ſubverſive of liberty, annihilates property, is repugnant to the genius of the people, oppreſſive to their indigence; it ſtrikes at the root of their charters, as coloniſts, and of their privileges as *Britiſh* ſubjects ever loyal and unoffending; it is derogatory from the faith of government, ominous to the liberty of the *Britiſh* empire, unjuſt in its principles, rigorous in its execution, and pernicious in its operation alike to the mother-country and the colonies. What public meaſure can the memory of man produce, deſerving ſo many commendations? Whether it is yet time to reverſe ſuch proceedings, or whether it will be better policy to purſue ſtill farther the meaſures, which have hitherto appeared ſo honourable, and proved ſo ſalutary, is humbly ſubmitted.

To crown what I have to ſay on the grievance which makes the ſubject of this IId Book, I will ſubjoin a copy of the ſpirited PROT—T of eleven worthy noble-

noblemen, who have endeavoured to ſtop the torrent of miniſterial fury againſt our abuſed colonies. I wiſh it were in my power worthily to celebrate the praiſes of thoſe illuſtrious perſonages. The conſequences of the violent proceedings, they have ſo bravely oppoſed, will, I am horribly afraid, make *their fame*, as well as the *diſgrace* of the firſt *movers* of all this miſchief, but too *laſting*.

After the Prot—t, I will add a copy of a PETITION from the *American* gentlemen reſident in *London* to both houſes, imploring their *forbearance* and *juſtice* in a manner, which does the *public ſpirit* as well as the *abilities* of the petitioners the higheſt honour.

I have in my hands a manuſcript copy of an humble Petition of ſeveral Natives of *America* to the K—'s moſt excellent M——y, requeſting the ſuſpenſion of the R—l aſſent to the two fatal bills from which they apprehend the moſt lamentable conſequences. But as this Petition is not yet preſented, I do not think I can, with propriety, give it a place in theſe collections. It is but ſhort, and the matter of it, *mutatis mutandis*, much the ſame with that of the other.

PROTEST againſt the bill 'for the better regulating 'the government of the *Maſſachuſet's Bay*, in *New* '*England*.'

DISSENTIENT,

"Becauſe this bill, forming a principal part in a ſyſtem of puniſhment and regulation, has been carried through the houſe without a due regard to thoſe indiſpenſable rules of public proceeding, without the obſervance of which, no regulation can be prudently made, and no puniſhment juſtly inflicted. Before it can be pretended that thoſe rights of the colony of *Maſſachuſet's Bay*, in the election of counſellors, magiſtrates,

and judges, and in the return of jurors, which they derive from their charter, could with propriety be taken away, the definite legal offence, by which a forfeiture of that charter is incurred, ought to have been clearly ſtated and fully proved; notice of this adverſe proceeding ought to have been given to the parties affected; and they ought to have been heard in their own defence. Such a principle of proceeding would have been inviolably obſerved in the courts below. It is not technical formality, but ſubſtantial juſtice. When therefore the *magnitude* of ſuch a cauſe transfers it from the cognizance of the inferior courts to the high judicature of parliament, the lords are ſo far from being authorized to reject this equitable principle, that we are bound to an extraordinary and religious ſtrictneſs in the obſervance of it. The ſubject ought to be indemnified by a more liberal and beneficial juſtice in parliament, for what he muſt inevitably ſuffer by being deprived of many of the *forms* which are wiſely eſtabliſhed in the courts of ordinary reſort for his protection againſt the dangerous promptitude of arbitrary diſcretion.

" 2dly, Becauſe the *neceſſity* alledged for this precipitate mode of judicial proceeding cannot exiſt. If the numerous land and marine forces, which are ordered to aſſemble in *Maſſachuſet's Bay*, are not ſufficient to keep that ſingle colony in any tolerable ſtate of order, until the cauſe of its charter can be fairly and equally tried, no regulation in this bill, or in any of thoſe hitherto brought into the houſe, are ſufficient for that purpoſe; and we conceive, that the mere celerity of a deciſion againſt the charter of that province, will not reconcile the minds of the people to that mode of government which is to be eſtabliſhed upon its ruins.

" 3dly,

" 3dly, Becauſe Lords are not in a ſituation to determine how far the regulations, of which this bill is compoſed, agree, or diſagree, with thoſe parts of the conſtitution of the colony that are not altered, with the circumſtances of the people, and with the whole detail of their municipal inſtitutions. Neither the charter of the colony, nor any account whatſoever of its courts and judicial proceedings, their mode, or the exerciſe of their preſent powers, have been produced to the houſe. The ſlighteſt evidence concerning any one of the many inconveniences ſtated in the preamble of the bill to have ariſen from the preſent conſtitution of the colony judicatures, has not been produced, or even attempted. On the ſame general allegations of a declamatory preamble, any other right, or all the rights of this or any other public body, may be taken away, and any viſionary ſcheme of government ſubſtituted in their place.

" 4thly, Becauſe we think, that the appointment of all the members of the council, which by this bill is veſted in the crown, is not a proper proviſion for preſerving the equilibrium of the colony conſtitution. The power given to the crown of occaſionally increaſing or leſſening the number of the council on the report of the governors, and at the pleaſure of miniſters, muſt make theſe governors and miniſters maſters of every queſtion in that aſſembly; and by deſtroying its freedom of deliberation, will wholly annihilate its uſe. The intention avowed in this bill, of bringing the council to the platform of other colonies, is not likely to anſwer its own end; as the colonies, where the council is named by the crown, are not at all better diſpoſed to a ſubmiſſion to the practice of taxing for ſupply without their conſent, than this of *Maſſachuſet's Bay*. And no pretence of bringing it to

to the model of the *Engliſh* conſtitution can be ſupported, as none of thoſe *American* councils have the leaſt reſemblance to the houſe of peers. So that this new ſcheme of a council ſtands upon no ſort of foundation, which the propoſers of it think proper to acknowledge.

" 5thly, Becauſe the new conſtitution of judicature provided by this bill is improper, and incongruous with the plan of the adminiſtration of juſtice in *Great Britain*. All the judges are to be henceforth nominated (not by the crown, but) by the governor; and all (except the judges of the ſuperior court) are to be removable at his pleaſure, and expreſsly *without* the conſent of that very council which has been nominated by the crown.

" The appointment of the ſheriff is by the will of the governor only, and without requiring in the perſon appointed any local or other qualification. That ſheriff, a magiſtrate of great importance to the whole adminiſtration and execution of all juſtice, civil and criminal, and who in *England* is not removeable even by the royal authority, during the continuance of the term of his office, is by this bill made changeable by the governor and council, as often, and for ſuch purpoſes, as they ſhall think expedient.

" The governor and council thus intruſted with powers, with which the *Britiſh* conſtitution has not truſted his majeſty and his privy-council, have the means of returning ſuch a jury in each particular cauſe, as may beſt ſuit with the gratification of their paſſions and intereſts. The lives, liberties, and properties of the ſubject are put into their hands without controul; and the invaluable right of trial by jury is turned into a ſnare for the people, who have hitherto looked

looked upon it as their main ſecurity againſt the licentiouſneſs of power.

" 6thly, Becauſe we ſee in this bill the ſame ſcheme of ſtrengthening the authority of the officers and miniſters of ſtate, *at the expence of the rights and liberties of the ſubject*, which was indicated by the inauſpicious act for ſhutting up the harbour of *Boſton*.

" By that act, which is immediately connected with this bill, the example was ſet of a large important city (containing vaſt multitudes of people, many of whom muſt be innocent, and all of whom are unheard), by an arbitrary ſentence, deprived of the advantage of that port, upon which all their means of livelihood did immediately depend.

" This proſcription is not made determinable on the payment of a fine for an offence, or a compenſation for an injury; but it is to continue until the miniſters of the crown ſhall think fit to adviſe the king in council to revoke it.

" The legal condition of the ſubject (ſtanding untainted by conviction for treaſon or felony) ought never to depend upon the arbitrary will of any perſon whatſoever.

" This act, unexampled on the records of parliament, has been entered on the journals of this houſe as voted *nemine diſſentiente*, and has been ſtated in the debate of this day, to have been ſent to the colonies, as paſſed without a diviſion in either houſe, and therefore as conveying the uncontroverted univerſal ſenſe of the nation.

" The deſpair of making effectual oppoſition to an *unjuſt* meaſure, has been conſtrued into an approbation of it.

" An unfair advantage has been taken on the final queſtion for paſſing that penal bill, of the abſence of thoſe

thoſe lords who had debated it for ſeveral hours, and ſtrongly diſſented from it on the ſecond reading; that period on which it is moſt uſual to debate the principle of a bill.

" If this proceeding were to paſs without animadverſion, lords might think themſelves obliged to reiterate their debates at every ſtage of every bill which they oppoſe, and to make a formal diviſion whenever they debate.

7thly, Becauſe this bill, and the other proceedings that accompany it, are intended for the ſupport of that unadviſed ſcheme of taxing the colonies, in a manner new, and unſuitable to their ſituation and conſtitutional circumſtances.

" Parliament has aſſerted the authority of the legiſlature of this kingdom, ſupreme and unlimited over all the members of the *Britiſh* empire.

" But the legal extent of this authority furniſhes no argument in favour of an unwarrantable uſe of it.

" The ſenſe of the nation on the repeal of the ſtamp-act was, 'that in equity and ſound policy, the taxation 'of the colonies for the ordinary purpoſes of ſupply, 'ought to be forborn;' and that this kingdom ought to ſatisfy itſelf with the advantages to be derived from a flouriſhing and increaſing trade, and with the free grants of the *American* aſſemblies; as being far more beneficial, far more eaſily obtained, leſs oppreſſive and more likely to be laſting than any revenue to be acquired by parliamentary taxes, accompanied by a total alienation of the affections of thoſe who were to pay them. This principle of repeal was nothing more than a return to the ancient ſtanding policy of this empire. The unhappy departure from it, has led to that courſe of ſhifting and contradictory meaſures, which

which have ſince given riſe to ſuch continued diſtractions; by which unadviſed plan, new duties have been impoſed in the very year after the former had been repealed; theſe new duties afterwards in part repealed, and in part continued, in contradiction to the principles upon which thoſe repealed were given up; all which, with many weak, injudicious, and precipitate ſteps taken to enforce a compliance, have kept up that jealouſy which, on the repeal of the ſtamp-act, was ſubſiding; revived dangerous queſtions, and gradually eſtranged the affections of the colonies from the mother-country, without any object of advantage to either. If the force propoſed ſhould have its full effect, that effect, we greatly apprehend, may not continue longer than whilſt the ſword is held up. To render the colonies permanently advantageous, they muſt be ſatisfied with their condition. That ſatisfaction we ſee no chance of reſtoring, whatever meaſures may be purſued, except by recurring, in the whole, to the wiſe and ſalutary principles on which the ſtamp-act was repealed.

Richmond,	*Rockingham*,
Portland,	*Abergavenny*,
Abingdon,	*Leinſter*,
King,	*Craven*,
Effingham,	*Fitzwilliam.*
Ponſonby,	

*** The bill paſſed. Contents, with their proxies included, — — — 92
Not-Contents, — — 20

Copy of a Petition from the *American* gentlemen, who happened to be reſident in *London*, to the two houſes.

The humble PETITION *of ſeveral Natives of* America, Sheweth,

"That your petitioners are conſtrained to complain to this right honourable houſe of two bills, which, if carried into execution, will be fatal to the rights, liberties, and peace of all *America*.

"Your petitioners have already ſeen, with equal aſtoniſhment and grief, proceedings adopted againſt them, which, in violation of the firſt principles of juſtice, and of the laws of the land, inflict the ſevereſt puniſhments without hearing the accuſed.

"Upon the ſame principle of injuſtice, a bill is now brought in, which, under the profeſſion of better regulating the government of the *Maſſachuſetts Bay*, is calculated to deprive a whole province, without any form of trial, of its chartered rights, ſolemnly ſecured to it by mutual compact between the crown and the people.

"Your petitioners are well informed, that a charter ſo granted was never before altered or reſumed, but upon a full and fair hearing; that, therefore, the preſent proceeding is totally unconſtitutional, and ſets an example which renders every charter in *Great Britain* and *America* utterly inſecure.

"The appointment and removal of the judges at the pleaſure of the governor, with ſalaries payable by the crown, puts the property, liberty and life of the ſubject, depending upon judicial integrity, in his power.

"Your petitioners perceive a ſyſtem of judicial tyranny deliberately at this day impoſed upon them, which,

which, from the bitter experience of its intolerable injuries, has been aboliſhed in this country.

" Of the ſame unexampled and alarming nature is the bill, which, under the title of a more impartial adminiſtration of juſtice in the province of *Maſſachuſetts Bay*, empowers the governor to withdraw offenders from juſtice; holding out to the ſoldiery an exemption from legal proſecution for murder; and in effect ſubjecting that colony to military execution. Your petitioners intreat this right honourable houſe to conſider what muſt be the conſequence of ſending troops, not really under the controul of the civil power, and unamenable to the law, where the crime is committed among a people whom they have been induſtriouſly taught, by the incendiary arts of wicked men, to regard as deſerving every ſpecies of inſult and abuſe. The inſults and injuries of a lawleſs ſoldiery are ſuch as no free people can long endure; and your petitioners apprehend, in the conſequences of this bill, the horrid outrages of military oppreſſion followed by the deſolation of civil commotions.

" The diſpenſing power, which this bill intends to give to the governor, advanced as he is already above the law, and not liable to any impeachment from the people he may oppreſs; muſt conſtitute him an abſolute tyrant.

" Your petitioners would be utterly unworthy of the *Engliſh* anceſtry, which is their claim and pride, if they did not feel a virtuous indignation at the reproach of diſaffection and rebellion, with which their countrymen have been cruelly aſperſed. They can with confidence ſay no imputation was ever leſs deſerved. They appeal to the experience of a century, in which the glory, the honour, the proſperity of *England*, have been, in their eſtimation, their own;

in which they have not only borne the burthen of provincial wars, but have ſhared with this country in the danger and expence of every national war. Their zeal for the ſervice of the crown, and the defence of the general empire, has prompted them, whenever it was required, to vote ſupplies of men and money to the utmoſt exertion of their abilities. The journals of parliament will bear witneſs to their extraordinary zeal and ſervices during the laſt war; and that but a very ſhort time before it was reſolved here to take from them the right of giving and granting their own money.

"If diſturbances have happened in the colonies, they intreat this right honourable houſe to conſider the cauſes which have produced them among a people hitherto remarkable for their loyalty to the crown, and affection for this kingdom. No hiſtory can ſhew, nor will human nature admit of an inſtance of general diſcontent, but from a general ſenſe of oppreſſion.

"Your petitioners conceived, that when they had acquired property under all the reſtraints this country thought neceſſary to impoſe upon their commerce, trade and manufactures, that property was ſacred and ſecure. They felt a very material difference between being reſtrained in the acquiſition of property, and holding it when acquired under thoſe reſtraints at the diſpoſal of others. They underſtand ſubordination in the one, and ſlavery in the other.

"Your petitioners wiſh they could poſſibly perceive any difference between the moſt abject ſlavery, and ſuch entire ſubjection to a legiſlature, in the conſtitution of which they have not a ſingle voice, nor the leaſt influence, and in which no one is preſent on their behalf. They regard the giving their property, by their own conſent alone, as the unalienable right of the ſubject,

ſubject, and the laſt ſacred bulwark of conſtitutional liberty. If they are wrong in this, they have been miſled by the love of liberty, which is their deareſt birth-right; by the moſt ſolemn ſtatutes, and the reſolves of this honourable houſe itſelf, declaratory of the inherent right of the ſubject; by the authority of all great conſtitutional writers, and by the uninterrupted practice of *Ireland* and *America*, who have ever voted their own ſupplies to the crown—all which combine to prove, that the property of an *Engliſh* ſubject, being a freeman, or a freeholder, cannot be taken from him but by his own conſent. To deprive the coloniſts, therefore, of this right, is to reduce them to a ſtate of villenage, leaving them nothing they can call their own, nor capable of any acquiſition but for the benefit of others.

"It is with infinite and inexpreſſible concern that your petitioners ſee in theſe bills, and in the principles of them, a direct tendency to reduce their countrymen to the dreadful alternative of being totally enſlaved, or compelled into a conteſt the moſt ſhocking and unnatural with a parent ſtate, which has ever been the object of their veneration and their love. They intreat this right honourable houſe to conſider that the reſtraints, which examples of ſuch ſeverity and injuſtice impoſe, are ever attended with a moſt dangerous hatred.

"In a diſtreſs of mind, which cannot be deſcribed, your petitioners conjure this right honourable houſe not to convert that zeal and affection, which have hitherto united every *American* hand and heart in the intereſts of *England*, into paſſions the moſt painful and pernicious. Moſt earneſtly they beſeech this right honourable houſe not to attempt reducing them to a ſtate of ſlavery, which the *Engliſh* principles of liberty,

they inherit from their mother country, will render worſe than death—they, therefore, pray that this right honourable houſe will not by paſſing theſe bills overwhelm them with affliction, and reduce their countrymen to the moſt abject ſtate of miſery and humiliation, or drive them to the laſt reſources of deſpair:

"And your petitioners, as in duty bound, will ever pray.

BOOK III.

Of the Army.

CHAP. I.

General Reflections on ſtanding Armies in free Countries in Times of Peace.

IN a ſurvey of public abuſes, it would be unpardonable to overlook that of a ſtanding army in times of peace, one of the moſt hurtful, and moſt dangerous of abuſes.

The very words, Army, War, Soldier[a], &c. entering into a humane and chriſtian ear, carry with them ideas of hatred, enmity, fighting, bloodſhed, mangling, butchering, deſtroying, unpeopling, and whatever elſe is horrible, cruel, helliſh. My ineſtimable friend, the late great and good Dr. *Hales*, was uſed to ſay, that if any thing might be called the peculiar diſgrace of human nature, and of our world, it is war; that a ſet of wretched worms, whoſe whole life, when it holds out the beſt, is but a moment, a dream, a viſion of the night, ſhould ſhorten this their ſhort

[a] The very word *ſoldier*, gives us the idea of a ſordid Swiſs, *hired* one time by one tyrant, and another time by another, to butcher mankind. It is derived from *ſoldarius*, and that from *ſoldum*, *pay*. See *Spelm.* voc. *Soldarius*.

ſpan, ſhould aſſemble by thouſands and myriads, travel over vaſt countries, or croſs unmeaſurable oceans, armed with ſwords and ſpears and infernal fire, and when they meet immediately fall to butchering one another, only becauſe a couple of frantic and miſchievous fiends in human ſhape, commonly called kings, have fallen out they know not about what, and have ordered them to go and make havock of one another.

Yet ſuch is the turn of mind of thoſe who are at the head of the world, that they beſtow more attention upon the art of war, that is, the art of deſtroying their fellow-creatures, than upon the improvement of all the liberal arts and ſciences, and outvie one another in keeping up bands of thoſe butchers of mankind commonly called ſtanding armies, to the number of many thouſands; and ſo prevalent is this infatuation, that even we, though ſurrounded by the ocean, muſt mimick the kingdoms on the continent, and beggar ourſelves by keeping up an army of near 50,000 in times of profound peace.

The whole art of war from beginning to end is, at beſt, but a ſcene of folly and abſurdity. Two kings, already poſſeſſed of more territory than they know how to govern, fall out about a province. They immediately take up arms. Immediately half a continent is deluged in blood. They carry on their infernal hatred, while either of them can find in the purſes of their beggared ſubjects any money to ſquander, or while they can find any more of their miſerable people, who, being by the fell ravage of war ſtripped of all, are glad to throw themſelves into the army, to get a morſel of bread. And when the two mighty belligerant powers, the two venomous worms, have carried on the conteſt almoſt to the deſtruction of both, the point in diſpute remains undecided as before, or they ſee, that it might have been infinitely

infinitely better decided by arbitration of indifferent ſtates, without the ſpilling of one drop of chriſtian blood.

War is not a more proper method of deciding controverſies between kings, than ſingle combat between individuals. All that can be determined by fighting is, that the conqueror is the beſt fighter of the two; not that he has juſtice on his ſide. As I ſhould conclude that private perſon, who choſe rather to decide a quarrel by a duel, than to appeal to the laws of his country, or ſtand to arbitration of a few friends, a ruffian and a murderer; ſo I do not heſitate to pronounce every king a butcher of mankind who chooſes rather to appeal to the *ratio ultima regum*, than to arbitration of neutral princes.

Standing armies firſt became neceſſary, or the pretence of their neceſſity plauſible, when the diſbanded troops, called *tard-venus*, in *France*, took to plundering and miſchief in times of peace. Then the neighbouring princes pretended they muſt be upon an equal foot with *France*. But what is that to *England*, ſurrounded by the ſea, and guarded by a fleet equal to all the maritime force of *Europe?*

In former times we had no mercenary army. It was the militia that went to the holy war, that conquered *France*, &c. So at *Rome* there was no mercenary army in the beſt times of the republic. Our *Hen.* VII. raiſed no ſmall jealouſy by his 100 yeomen of the guards, augmented by him from 50, the whole ſtanding army of his times. In the days of *Ch.* II. the army was got to 5,000; in our times to near 50,000. There can no account be given of this alarming increaſe, but the increaſe of corruption, and decreaſe of attention to liberty. And now, our patriotic parlia-

ments have made the army a ſacred eſtabliſhment, and the ſinking fund a temporary expedient.

An army, in a free country, ſays judge *Blackſtone*[a], 'ought only to be enliſted for a ſhort and 'limited time. The ſoldiers ſhould live intermixed 'with the people. No ſeparate camp, no barracks, 'no inland fortreſſes ſhould be allowed.' Yet it is notorious, that our ſoldiers are enliſted for life, on pain of death, if they deſert; and that camps, barracks, and inland forts, are very common in our pretended free country. The mere ſlavery of a ſoldier's life, and the rigorous diſcipline, and *Turkiſh* ſeverities, ſo great a number of brave, and freeborn *Engliſh* ſubjects are expoſed to in the army, are ſufficient to render it the abhorrence of every true *Engliſh* ſpirit, and the peculiar diſgrace of our country, and our times. See *Blackſtone*'s COMMENTARIES, I. 415, where the learned author (no malecontent) ſhews the peculiar danger to liberty from enſlaving ſo many ſubjects, (and thereby exciting their envy againſt their countrymen, who enjoy what they are for ever deprived of) and then arming thoſe ſlaves, to enable them to reduce the reſt to their condition, of which ill policy hiſtory furniſhes many terrible examples.

'In a land of liberty it is extremely *dangerous* to 'make a diſtinct order of the profeſſion of arms. In 'abſolute monarchies, this is neceſſary for the ſafety 'of the prince, and ariſes from the main principle of 'their conſtitution, which is, that of governing by 'fear: but in free ſtates, the profeſſion of a ſoldier, 'taken ſingly and merely as a profeſſion, is juſtly an 'object of jealouſy.—The laws, therefore, and con-'ſtitution of theſe kingdoms know no ſuch ſtate as 'that

[a] COMM. I. 413.

'that of a perpetual ſtanding ſoldier, bred up to no 'other profeſſion, than that of war [a].' Yet we ſee gentlemen breed up their ſons for the army as regularly as for law, phyſic, or divinity; and, while in *France*, the land of ſlaves, the ſoldiery are engaged only for a certain time, ours are for life; that they may be effectually ſeparated from the people, and attached to another intereſt.

The judge goes on to ſhew, that in the *Saxon* times, the military force was under the abſolute command of the dukes, or heretochs, who were elected by the people. This the judge, as if he were faſcinated in favour of prerogative, ſees in a dangerous light. 'This large ſhare of power, ſays he, thus conferred 'by the people, though intended to preſerve the li-'berty of the ſubject, was perhaps unreaſonably detri-'mental to the prerogative of the crown.' And then he mentions one inſtance of its being abuſed. But will any *Engliſhman*, underſtanding what he ſays, gravely declare, that he thinks an armed force ſafer, in reſpect of liberty, in the hands of a *king*, than of a number of ſubjects elected by the *people?* Yet this very author prefers a militia to an army. If all this be either conſiſtent with the fundamental principles of liberty, or with itſelf, it is to be underſtood in ſome manner, which I own to be out of my reach.

'Thoſe, who have the command of the arms in a 'country, ſays *Ariſtotle* [b], are maſters of the ſtate, 'and have it in their power to make what revolutions 'they pleaſe.' Οι των ὁπλων κυριοι, κ. τ. λ.

The ſoldiery are themſelves bound for life, under the moſt abject ſlavery. For what is more perfect ſlavery, than

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[a] *Blackſt.* COMM. I. 407.

[b] POLIT. VII. 9.

than for a man to be, without relief, obliged to obey the command of another, at the hazard of his life, if he obeys, and under the penalty of certain death if he disobeys, while the smallest misbehaviour may bring upon him the most painful and disgraceful punishment? The sense of their own remediless condition may naturally be expected to excite in them the same dispostion, which shews itself in the negroes in *Jamaica*, and the eunuchs in the eastern seraglios.

In the mutiny-act, it is always mentioned, that keeping up an army in time of peace, without consent of parliament, is unlawful. But there is no such clause for keeping up *marines*. Yet marines are as much an army as any other men; are mostly at land; and may, at any time, be applied to the enslaving of the people, as readily as the soldiery. 'Tis true, their number is at present inconsiderable; but that is entirely at the disposal of government.

Lord *Hinton*'s arguments against a reduction of the army, *A. D.* 1738.

1. The army is only a change made in the management of the armed force of the nation, which was formerly kept up in the guise of a militia.

Anf. The army is the very creature of the court; and therefore likely to execute every order of the court. The army is detached from the people for life, and enslaved for life. A militia continues still a part of the people, and is to return and mix with the people again, which must keep up in their minds both an awe and an affection for the people.

2. Now all the countries about have regular disciplined armies.

Anf. This is no reason for our keeping up an army, who are separated from all our neighbours. It is a reason for our keeping up a fleet, and a militia.

3. Our

3. Our militia cannot be truſted. Our people are otherwiſe employed, than in learning military diſcipline.

Anſ. The army are, on no account, preferable to a militia, but their being more thoroughly trained. Let the militia then be thoroughly diſciplined. Fifty days exerciſe at different times in the year, will train them thoroughly. Let them have pay for thoſe days, and carry on their buſineſs the reſt of the year as at preſent. And let every male be trained; and then ſee, whether enemies will invade, or tumults diſturb.

4. The army has not yet enſlaved us. Experience ſhews us, that a ſtanding army is not unfriendly to liberty.

Anſ. We ought to depend on the *conſtitution* for the ſafety of our liberties; not on the moderation of the individuals, who command our army. If our army has not yet enſlaved us; we know, that the far greateſt part of the world has been enſlaved by armies. But it is much to be queſtioned, whether we are not already ſo far enſlaved, that the people could not now obtain of government what they requeſted, though the undoubted ſenſe of the people was known to government.

5. An annual army is different from a ſtanding army. The former may be diſſolved, whenever it pleaſes parliament to give over providing for it.

Anſ. There is no difference, as to the liberty of the ſubject, whether the army be on one foot, or the other; whether it be eſtabliſhed by law, or whether it be conſtantly kept, and certainly never to be reduced.

6. An army is neceſſary to keep the peace. Turbulent people raiſe tumults about matters, which have

have had even the ſanction of parliament, as exciſes, turnpikes, ſuppreſſion of gin, &c.

Anſ. Good government is a ſurer way to keep the peace, than keeping up a formidable and expenſive army. The people may judge wrong, or be miſled occaſionally. But it is mal-adminiſtration that ſets up popular demagogues, who could not excite the people to tumults, if government did not afford ſome cauſe for diſcontent. The ſanction of parliament neither will nor ought to ſatisfy the people, unleſs the people be ſatisfied of the independency of the members, who compoſe it. So much for lord *Hinton*'s arguments.

'Whatever it may be called, that government is 'certainly, and neceſſarily, a military government 'where the army is the ſtrongeſt power in the coun-'try. And it is eternally true, that a free parlia-'ment and a ſtanding army are abſolutely incom-'patible [a].'

'It is the intereſt of favourites to adviſe the king 'to govern by an *army:* for if he prevails (over his 'ſubjects) then they are ſure to have what heart can 'wiſh; and if he fail, yet they are but where they 'were; they had nothing, and they can loſe nothing [b].'

Every officer in the army, almoſt, is an addition to the power and influence of the miniſtry. And every addition to their power and influence is a ſtep toward ariſtocracy or abſolute monarchy.

'All armies whatſoever, ſays *Davenant*, if they are 'over large, tend to the diſpeopling of a country, of 'which our neighbour nation is a ſufficient proof; 'where in one of the beſt climates in *Europe* men are 'wanting to till the ground. For children do not 'proceed

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[a] Cato's Lett. iii. 285. [b] Deb. Com. ii. 153.

'proceed from intemperate pleaſures taken looſely 'and at random, but from a regular way of living, 'where the father of the family deſires to rear up, and 'provide for the offspring he ſhall beget [a].'

When a country is to be enſlaved, the army is the inſtrument to be uſed. No nation ever was enſlaved but by an army. No nation ever kept up an army in times of peace, which did not loſe its liberties.

'An army is ſo forcible, and, at the ſame time, ſo 'coarſe an inſtrument, that any hand, that wields it, 'may, without much dexterity, perform any opera-'tion, and gain any aſcendancy in human ſociety [b].'

Mr. *Hume* [c] calls the army a mortal diſtemper in the *Britiſh* government, of which it muſt at laſt inevitably periſh.

It was *Walpole*'s cuſtom, if a borough did not elect his man for their member, to ſend them a meſſenger of *Satan* to buffet them, a company of ſoldiers to live upon them.

In this way a ſtanding army may be uſed as an inſtrument in the hand of a wicked miniſter for cruſhing liberty.

There is much ſtreſs laid, by thoſe, who would lull us aſleep, that we may not ſee our danger from the army, on the behaviour of that of *James* II. who, on being put to the trial on *Hounſlow-heath*, whether they would ſtand by the tyrant, all laid down their arms. But we muſt be weak indeed, if we ſuffer ourſelves to be miſled by a precedent ſo little in point as this. The army were all brought up proteſtants, and *James* wanted to make uſe of them to eſtabliſh popery, of the cruelties of which he had given them a pretty

[a] *Davenant*, II. 189.
[b] *Hume*, HIST. STUARTS, II. 91.
[c] ESS. II. 376.

a pretty ſpecimen. Does it follow, that becauſe a proteſtant army would not be the inſtruments of a tyrant in overthrowing the religion they were brought up in (even the ſoldiers had ſome zeal for religion in thoſe days, though not a zeal according to knowledge) and eſtabliſhing one they were from their infancy taught to dread above all earthly evils —does it follow, I ſay, that becauſe an army would not do what muſt be ſo diſagreeable to themſelves, they would not do what may be ſuppoſed agreeable to themſelves, that is, would not promote the eſtabliſhing of a military government? All hiſtory confutes this reaſoning. For all hiſtory ſhews, that the ſoldiery have ever been ready to enſlave their fellow-ſubjects; and almoſt all nations have actually been enſlaved by armies.

Lord *Clifford*'s ſcheme for making *Charles* II. abſolute, was liberty of conſcience; ſecurity of property; upright judges, to keep the people in good-humour; the fort of *Tilbury* to be made ſufficient to bridle the city. *Plymouth*, in the weſt; *Hull*, in the north, made tenable. Some addition to the army, and 200,000 arms in each of the above forts, all which might be done imperceptibly [a].

'The pretenſions of a particular body of men, if 'not checked by ſome collateral power, will termi-'nate in tyranny [b].' No body of men are more likely to form pretenſions unfavourable to liberty, than the military, nor is any body of men ſo hard to check, or reſtrain within due bounds.

Under ſuch kings as the preſent (whom God preſerve) we ſhould have little to fear, with an army as nume-

[a] *Rap.* II. 662.

[b] *Ferguſ.* HIST. CIV. SOC. p. 195.

numerous as that of *France*. But a tyrannical prince, or daring minister might bring this kingdom into dreadful confusion by having on his side an army of only 10,000 regulars; and we seem now to plead prescription for keeping up a force of above four times that number.

'The people will grow always too hard for the 'prince, unless he is able to subdue and govern them 'by an army [a].'

When a country is so circumstanced, that frugality is peculiarly necessary, a standing army is peculiarly improper. The annual charge of keeping up from 30 to 50,000 men is not small. And I think it impossible to shew any occasion we have for 5000 men, if we were so wise as to keep the militia upon a proper foot. Upon this one article we might, if we had imitated the *Dutch*, have saved a sum much above half a million *per annum*, which would have kept the nation clear of this mountainous load of debt, which is now sinking it into bankruptcy and ruin. We find, that when the army was about 18,000, the charge was above 5 or 600,000 *l. per annum*. From this it is easy to compute what an expence the devouring army has cost, especially of late, since it has been so frightfully numerous.

The commons, in their remonstrance, *A. D.* 1628, complain of the army in time of peace, and of *Buckingham*'s standing commission as general. We establish from year to year, a great army at an immense expence, while the nation is drowned in debt; and while no mortal can conceive from what quarter external danger can come upon us. 'We hold it far 'beneath the heart of any free *Englishman* to think, 'that

[a] *Burn.* HIST. OWN TIMES, II. 102.

'that this victorious nation ſhould ſtand in need of 'German ſoldiers to defend their king and kingdom [a].' The duke of *Newcaſtle* and the whig-adminiſtration did not think it beneath them to bring over *Heſſians* and *Hanoverians* in the year 1756, to defend the king and kingdom. Mr. *Pitt* ſent them a packing, and without their help, over-conquered the *French*. For he conquered them in *Germany*; whereas he had no occaſion to do any thing, beſides deſtroying their commerce by ſea, taking their *American* continent and iſlands, interrupting their fiſhery, and haraſſing their coaſts.

In the year 1697, when the ſubject of the army was argued on both ſides, the principal topick in favour of it was taken from the practice of the neighbouring nations, whoſe keeping up a ſtanding force makes it neceſſary, ſaid they, for us to do the ſame [b]. But we know, it is neither the intereſt, nor the inclination, of any of the powers of *Europe*, but *France* only, to give us any diſturbance. And we know, that the continental powers of *Europe* keep up armies with other views than to us (*France* excepted); why then ſhould we keep up an army with a view to any of them, but *France*? And why on account of *France*, when we have naturally ſo great an advantage of *France* in our inſular ſituation, and our powerful fleet? And if theſe two be not ſufficient, it is certain, that a well regulated militia in the maritime counties muſt render all thought of an invaſion from *France*, as an operation of war, romantic and abſurd. There is no reaſon to think that they, who ſtand up for an army, do ſeriouſly think it neceſſary for any other purpoſe

[a] PARL. HIST. VIII. 227.

[b] *Burn.* HIST. OWN TIMES, III. 284.

purpoſe than to make a proviſion for a number of perſons who depend on the court, and thereby ſtrengthen miniſterial intereſt.

Though there was, in the times when this debate was agitated, a pretender living, and under the declared ſupport of *Louis* XIV. the inveterate enemy of king *William* and *Britiſh* liberty, and though there was then a reſtleſs and powerful jacobite party in the kingdom, our anceſtors did not chooſe to truſt their illuſtrious deliverer with more than 10,000 horſe and foot; and the whigs loſt much reputation by ſtickling for this ſmall number, which, in the following year, was reduced to 7000. We keep up an army of above 40,000 in a time of profound peace, and without ſhadow of uſe for one ſoldier, but for a few garriſons abroad.

'We think neither king nor parliament ought to 'keep up an army in the field when the war is ended, 'to the vaſt expence and utter impoveriſhment of the 'people. The trained-bands, which may be made 'uſe of with little charge, and the forces, which may 'be kept up in ſome chief garriſons, being ſufficient 'to ſuppreſs any commotion or diſturbance that is likely 'to ariſe from the occaſions of the late trouble [Surely then we have had no occaſion ſince for a ſtanding army], 'and we conceive an army ſhould only be kept 'up in caſe of a powerful inſurrection within the 'kingdom, or of an invaſion from abroad. [Even for thoſe occaſions a militia is incomparably preferable in an iſland.] 'To maintain a perpetual army in the 'bowels of the kingdom at the expence of the ſubjects, 'when there is no enemy to fight with, is but to en-'ſlave the king and kingdom under military bondage.' Words of the *Scotch* commiſſioners in their remonſtrance to parliament for diſbanding the *Engliſh* and

Scotch armies, *A. D.* 1647 [a]. They add afterwards, 'Armies were raiſed in defence of religion, the king's 'perſon and authority, the privileges of parliament, 'and the liberty of the ſubject, and when they are 'no more uſeful for that end, and the houſes may 'conſult freely, and act ſecurely, without hoſtile op-'poſition, it is high time to diſband them, that the '*laws* of the kingdom may take place; [*i. e.* becauſe the laws are not likely to take place under the fear of a ſtanding army] 'Some of our neighbouring nations 'are neceſſitated to keep up armies, becauſe they have 'enemies that lie contiguous to their borders. But 'the ſea is our bulwark.' [N. B. The *Engliſh* fleet was not then, nor before, to be compared with what it has been in our times,] 'and if we keep up amity 'and peace among ourſelves, we need not fear foreign 'invaſions, &c [b].' By this paſſage it appears, that the *Scotch*, whom we have lately ſeen ſo blamed for their ſlaviſh diſpoſition, had, in thoſe days, more of the ſpirit of liberty than the *Engliſh* ſhewed then, or ſince. In fact, the *Engliſh* people's ſhewing ſo little uneaſineſs under the grievances of a ſtanding army, and the others of our times, ſhews them to be but too ripe for ſlavery.

'The raiſing of one ſingle regiment in *Spain* within 'theſe ſix years, under colour of being a guard for the 'king's perſon, ſo inflamed the nation, that a rebellion 'had enſued, if they had not been diſbanded ſpeedily [c].'

Thus writes Mr. *Vernon* to the earl of *Mancheſter*: 'We are more jealous of our conſtitution and liberty 'than of our bad neighbours, and therefore have 'allowed but 350,000 *l.* for maintaining guards and 'garriſons this year, (1698) which we compute will 'keep

[a] Parl. Hist. xvi. 462. [b] Ibid.

[c] Deb. Lords, i. 291.

'keep about 4000 horſe and dragoons, and 6000 'foot [a].'

'Your royal progenitors have ever held their ſubjects 'hearts the beſt garriſon of this kingdom.' The ſpeaker's ſpeech, *A. D.* 1621, to *Ch.* I. againſt billetting ſoldiers on private houſes [b].

A numerous army always gives cauſe to ſuſpect that the government is either afraid of the people, or has a deſign upon the people.

The commons reſolve, *A. D.* 1673, that the continuance of any ſtanding forces in the nation, beſides the militia, is a great grievance and vexation to the people. They likewiſe reſolve, that according to the laws of the land, the king has no guards but thoſe called gentlemen-penſioners and yeomen of the guard; that an army has never been countenanced (but quite contrary) by parliament, which has always looked on them as a ſet of men unlawfully aſſembled, of vaſt charge to king and kingdom; altogether uſeleſs to the nation, as appears from the peaceableneſs of the king's reign ſince the reſtoration. That the king accordingly was often without them; that guards, or ſtanding armies, are only in uſe in arbitrary countries where princes govern more by fear than love, as in *France*; that a life-guard is a ſtanding army in diſguiſe, and that as long as they continue, the roots of a ſtanding army will remain [c]. What a wonderful illumination has opened the minds of our parliaments ſince thoſe ignorant times. A ſtanding army is now an eſſential of the conſtitution.

[a] *Cole's* MEM. 9.
[b] *Rapin*, II. 265.
[c] *Chandl.* DEB. COM. I. 199.

Oxford (the friend of *France* and the pretender, the attainted *Oxford)* on the mutiny bill, ſays, 'While 'he has breath, he will ſpeak for the liberties of his 'country, and againſt courts martial, and a ſtanding 'army in peace, as dangerous to the conſtitution [a].'

'The moſt likely way to reſtore the pretender, is 'maintaining a ſtanding army to keep him out [b].'

'Any man who would ſuggeſt to the king [*William*] 'that he could not be ſafe unleſs he were ſurrounded 'with guards, ought to be abhorred by every true '*Engliſhman* [c].'

The ſagacious *Fletcher* of *Scotland* dropped the friendſhip of lord *Sunderland*, becauſe he voted for the army [d].

An army in time of peace, unleſs by parliamentary authority, is illegal, ſays the declaration of rights at king *William*'s acceſſion [e]. If there be reaſon to ſuſpect parliament of corruption, it may be added, that even with parliamentary authority, it is dangerous to liberty.

The throne of tyranny, which is upheld by an army, is in continual danger of being overthrown by the army. The *Roman* army dethroned and maſſacred ſeveral emperors of their own ſetting up. So do the *Turkiſh* janizaries from time to time. Therefore the maſters of both have been obliged to employ them as much as poſſible in wars, on any pretence, to keep them from raiſing ſeditions [f]. Thus tyranny is not only

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[a] DEB. LORDS, III. 78.
[b] *Trenchard.* [c] Lord *Sommers.*
[d] *Charact. from a Manuſcript.*
[e] *Hume*, HIST. STUARTS, II. 456.
[f] MOD. UNIV. HIST. XIII. 5.

only a curſe to the people, who are immediately under it, but to all the ſurrounding nations.

Robbers, ſays Sir *Thomas More*, often prove gallant ſoldiers; but ſoldiers likewiſe often prove gallant robbers.

An able anonymous ſpeaker in parliament, *A. D.* 1681, ſays, a king muſt govern either by a parliament or an army; and that when the parliament is laid aſide, the army muſt come into its place. That honeſt gentleman did not think of the poſſibility of bribing a parliament.

Lord *Haverſham*, in his ſpeech on the occaſional conformity-bill, *A. D.* 1703, complains heavily of the conduct of the war. 'England, ſays he, is a 'ſtrong aſs crouching between two burdens, the navy 'and the army, and nothing material done for a great 'expence raiſed on the people [a].'

'I would fain know (ſays *Fletcher*, p. 37.) if there 'be any other way of making a prince abſolute, than 'by allowing him a ſtanding army; if by it all princes 'have not been made abſolute; if without it any. 'Whether our enemies ſhall conquer us is uncertain. 'But whether a ſtanding army will enſlave us, neither 'reaſon nor experience will ſuffer us to doubt. There-'fore no pretence of danger from abroad can be an 'argument for keeping up mercenary forces.'

The advocates for the army plead ſtrongly for its uſefulneſs in keeping the peace. Yet it is certain, that there have not been anywhere more terrible inſurrections, than in countries where great ſtanding armies have been kept up; as at *Rome* in the imperial times, where the majority of the emperors died violent deaths; in *Turkey*, where the janizaries from time to time riſe

[a] Deb. Lords, ii. 65.

in a fury, and dethrone a grand ſignor, or oblige him, to ſave himſelf, to make a ſcape-goat, or rather a ſacrifice of his wazir; at *Algiers*, where it is almoſt the eſtabliſhed form of government for the dey to be murdered, and his murderer to ſucceed him, &c.

'The barbarous common ſoldier' (ſays *Whitelock*[a], on occaſion of *Sandford*'s being plundered and killed by thoſe of his own party at *Colcheſter*, *A. D.* 1648) 'will know no diſtinction between friends and foes. 'The goods of either come alike to his rapine; and 'upon a haſty word, he no more regards the blood of 'a friend, than of an enemy.'

In the debate on the army[b], lord *Strafford* ſaid, he commanded a regiment of dragoons in the reign of king *William*, and at that time there was not any ſuch law as what was in this bill, that we had no yearly mutiny-bills; yet, in thoſe days the men were as good, and as well diſciplined as at any time ſince. If any of the ſoldiers committed any crime, they were ſure to be puniſhed; the officers delivered them up to the civil power, to be dealt with according to law.

'The *French* and *Swiſs* troops are certainly as well 'diſciplined as ours; and yet in *France* a ſoldier has a 'right in time of peace to his diſcharge after ſix 'years ſervice; and in the *Swiſs* ſervice their ſoldiers 'generally contract for a certain number of years, 'after which they may return home if they pleaſe, 'which is the true cauſe of that country's being 'always full of diſciplined ſoldiers[c].'

Lord *Egmont*, in the year 1750, ſpoke as follows in favour of our ſoldiery, and againſt martial law.

'Sir,

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[a] MEM. 312. [b] DEB. LORDS, IV. 58-64.

[c] *Alm.* DEB. COM. IV. 285.

'Sir, The commander in chief of our army may 'make himſelf maſter of many of our elections; and 'where he cannot by ſuch means make himſelf maſter, 'he may do as *Caius Marius* did at *Rome*, he may 'give private orders to his ſoldiers to murder any one 'that ſhall dare to ſet himſelf up as a candidate againſt 'the man he has recommended. For the firſt attempt 'that great and wicked *Roman* made againſt the liber-'ties of his country, was to get his ſoldiers to murder 'the man who ſtood candidate for the tribuneſhip in 'oppoſition to the perſon he patronized; and the '*Roman* ſoldiers were even by that time become ſo 'abandoned, ſo loſt to all ſenſe of law or liberty, that 'they readily obeyed their general's orders, though he 'was then out of command, and though it was about '100 years after the end of the ſecond *Punic* war, 'and not above 150 years after the *Romans* firſt began 'to keep the ſame army under military law for a 'number of years together. For though the *Romans* 'from the very firſt origin of their city were almoſt 'continually engaged in wars, yet thoſe wars were 'always for the firſt 500 years carried on by freſh 'armies; ſo that it ſeldom happened that any number 'of their troops were above a year without returning 'to enjoy the happineſs of freedom and liberty. By 'this cuſtom, their citizens continued all to be ſoldiers, 'and their ſoldiers to be citizens; but ſoon after they 'began to keep up and carry on their wars by ſtand-'ing armies, their citizens loſt that warlike ſpirit, and 'their ſoldiers that love of liberty by which alone the 'freedom of government can be preſerved. For this 'reaſon, Sir, we ought to be careful not to give the 'meaneſt ſoldier of our army an occaſion to think that 'he is in a ſtate of ſlavery: On the contrary, we 'ſhould, as far as is conſiſtent with the nature of

'military ſervice, furniſh them with reaſons for re-
'joicing in their being *Engliſh* ſoldiers, and conſe-
'quently in a condition much ſuperior to that of the
'ſlaviſh armies upon the continent.'

Debate about martial law [a], *A. D.* . It was moved, that the offences committed by the ſoldiery be cognizable and puniſhed in time of peace by the civil magiſtrate only. Carried for the martial law.

In ſlaviſh countries the army is generally the moſt numerous, and contrariwiſe in free countries.

The *Roman* army in *Auguſtus*'s time was 13 legions, ſuppoſed of 5000 men each, or 65,000 men. In the emperor *Alexander*'s time the *Roman* legions were 32, or 160,000 men, quartered in many different places [b]. In *Turkey*, the ordinary eſtabliſhment is above 150,000 men [c]. Of their inſolence to the prince and cruelty to the people, ſee *Montalb.* RER. TURC. COMMENT. p. 5. The *Perſian* army, when effective, conſiſts of 309,000 horſe, and 40,000 foot [d].

The *Chineſe* army is ſuppoſed to conſiſt of 2,659,191 men [e]. Some of the inland kingdoms of *Africa* have raiſed armies of a million of men [f]. The *Mogul*'s army conſiſted in the beginning of laſt century, of no leſs than 1,068,248 horſe [g]. The kings of *Pegu* in *India*, have had armies of a million, or a million and half of men [h].

That

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[a] DEB. COM. VI. 177.
[b] ANT. UNIV. HIST. XV. 361.
[c] *Robertſ.* CH. V. I. 391.
[d] DE LAET. DESCR. PERS. 163.
[e] MOD. UNIV. HIST. VIII. 11.
[f] Ibid. XVI. 470.
[g] COMM. DE IMP. MAGN. MOGOL. p. 146.
[h] MOD. UNIV. HIST. VII. 64.

That of the king of *Congo* in *Africa*, is ſaid to conſiſt of 900,000 men, *A. D.* 1665 [a]. *Pranjinoko*, an *Eaſt Indian* monarch, had an army of 1,700,000 men, beſides 80,000 horſe, and 1500 elephants. Yet he was conquered [b]. *Tamerlane*'s army was 800,000 men. According to ſome authors double the number. *Bajazet*'s not quite ſo numerous. In a ſlaviſh country, the army is always an important object [c].

CHAP. II.

Facts relating to the Army.

ALL wiſe ſtates have been jealous of the army. The *Carthaginians* had a council of one hundred taken out of the ſenate, whoſe office was to watch the conduct of the generals and officers [d].

Piſiſtratus having procured from the city of *Athens* fifty fellows armed only with cudgels for the ſecurity of his worthleſs perſon from pretended dangers, improved this handful into an army, and with it enſlaved his country. When *Tyndarides* meditated the ruin of the *Syracuſan* liberty, one of his firſt ſteps was to draw round him a multitude of needy and deſperate people, by way of a guard [e].

The *Romans* were ſtartled at the ſight of 120 lictors, or peace-officers for the guard of the decemviri. Such an army was dangerous, they ſaid, to liberty.

What

[a] MOD. UNIV. HIST. XVI. 63.
[b] Ibid. VII. 297. [c] Ibid. XII. 81.
[d] ANT. UNIV. HIST. XVII. 258.
[e] *Ubb. Emm.* II. 118.

What would thoſe jealous old *Romans*, what would our ſtern forefathers have ſaid, had they ſeen 18,000 mercenary ſoldiers kept up in this free country (whoſe natural guard is a militia, and a fleet equal in force to that of all *Europe* put together) in a time of profound peace, in ſpite of all the repeated and continued remonſtrances of all men of public ſpirit for ages, at the ſame time that our governors do not know how to defray the neceſſary charges of government, and the nation is plunged in a bottomleſs ſea of debt.

When *Rome* was thought to be in the utmoſt danger from the conteſt between *Sylla* and *Marius*, the conſul *Octavius* was adviſed to arm the ſlaves for the preſervation of the republic. He rejected a propoſal ſo unconſtitutional. For the *Romans* thought it dangerous to put arms in the hands of ſlaves[a]. Our free *Britiſh* policy directs us hardly to truſt arms in any other hands than thoſe of ſlaves. For we have no ſlaves in *Britain*, but the ſoldiery. That they are ſlaves—ſlaves for life—in the ſtricteſt ſenſe of the word, will appear manifeſt to every perſon, who attends to the proper definition of ſlavery, viz. being obliged to ſubmit for life, to the abſolute command of another, to do or to ſuffer whatever the ſuperior impoſes on him, without redreſs.

Sylla, on the contrary, gave liberty, citizenſhip, and arms, to 10,000 ſlaves, to attach them to his intereſt; breaking through all principles of the conſtitution, to gain his own ambitious views.

It is ſtrange, ſays *Harrington*, that kings ſhould be ſo fond as they are of ſtanding armies. No order of men has ſuffered ſo much as they, by the ſoldiery.

'The

[a] ANT. UNIV. HIST. XIII. 61.

'The ſons of *Zeruiah*, *Joab* captain of the hoſt, 'and *Abiſhai* his brother, were too ſtrong for *David*; 'thus the kings of *Iſrael* and of *Juda* fell moſt of 'them by their captains or favourites, as I have elſe- 'where obſerved more particularly. Thus *Brutus* 'being ſtanding captain of the guards, could caſt out 'Tarquin; thus *Sejanus* had means to attempt againſt 'Tiberius; *Otho* to be the rival of *Galba*, *Caſperius* 'Ælianus of *Nerva*, *Caſſius* of *Antoninus*, *Perennis* of 'Commodus, *Maximinus* of *Alexander*, *Philippus* of 'Gordian, *Æmilianus* of *Gallus*, *Ingebus* of *Lollianus*, 'Aureolus of *Gallienus*, *Magneſius* of *Conſtantius*, *Maxi-* 'mus of *Gratian*, *Arbogaſtes* of *Valentinan*, *Ruffinus* of 'Arcadius, *Stilico* of *Honorius*. Go from the weſt into 'the eaſt: upon the death of *Marcianus*, *Aſparis* alone, 'having the command of the arms, could prefer *Leo* to 'the empire; *Phocas* deprived *Mauritius* of the ſame; 'Heraclius depoſed *Phocas*; *Leo Iſaurus* could do as 'much to *Theodoſius Adramytinus*, as *Nicephorus* to *Irene*, 'Leo Armenius to *Michael Curopalates*, *Romanus Laga-* 'penus to *Conſtantin*, *Nicephorus Phocas* to *Romanus* 'Puer, *Johannes Ziſmiſces* to *Nicephorus Phocas*, *Iſaac* 'Comnenus to *Michael Stratioticus*, *Botoniates* to *Michael* 'the ſon of *Ducas*, *Alexius Comnenus* to *Botoniates*; 'which work continued in ſuch manner, 'till the 'deſtruction of that empire. Go from the eaſt to the 'north: *Guſtavus* attained to the kingdom of *Sweden*, 'by his power and command of an army; and thus 'Secechus came near to ſupplant *Boleſlaus* III. of 'Poland. If *Walleſtein* had lived, what had become 'of his maſter? In *France* the race of *Pharamond* was 'extinguiſhed by *Pepin*; and that of *Pepin* in like 'manner, each by the major of the palace, a ſtanding 'magiſtracy of exorbitant truſt. Go to the *Indies*: 'you ſhall find a king of *Pegu* to have been thruſt 'out

'out of the realm of *Tangu*, by his captain general, '&c.'

Cæsar puts all *Rome*, and *Pompey* himself, into a consternation, by approaching the city at the head of a terrible army. *Domitius Abenobarbus*, fearing *Cæsar*'s vengeance, takes what he thinks to be poison.

Sylla bribes the legions, who were the instruments of his tyranny, with the confiscated lands of the friends of liberty [a].

The army is as fickle as the people. Often turns upon its masters, as the lion sometimes devours his keeper.

In the contest between *Sylla* and *Marius*, the consular army was sometimes on one side, sometimes on the other.

When *Cæsar*, by every wicked art, procured the government of *Illyricum* for 5 years, with an army of 4 legions (not half the standing force now kept up by our ministers) *Cato* told the senators what they afterwards severely felt, That they were placing an armed tyrant in their citadel.

'Even the pension-parliament, in *Ch.* II's time, 'and *James*'s first passive-obedience parliament, stopped 'short, and turned upon those corrupt ministries, 'when the last stroke was levelled against liberty. 'They saw that when they should be no longer neces'sary, they would be used as traitors always are by 'those, who take advantage of their treason, that is, 'sacrificed to the resentment of the people. And 'in king *William*'s time, the court party almost ruined 'themselves by speaking up for the army [b].'

Pompey brings home at one time spoils of war to the value of 12 millions sterling, with which he bribed the army,

[a] Ant. Univ. Hist. xiii. 91.

[b] Cato's Lett. iii. 278, 289.

army, to attach them to himſelf, giving the private men fifty pounds each, and large ſums to the officers [a].

The greateſt part of the *Roman* emperors ſet up by the prætorian guards. The ſame military men murdered the amiable *Pertinax*, for attempting to reſtore diſcipline [b]. 'The ſoldiers would ſuffer none to reign, 'but tyrants [c].'

The *Roman* legions were, by the *triumviri*, bribed againſt their country with the lands of their proſcribed countrymen.

Auguſtus diſpoſed of the army, ſo as to have them always within call. Their number computed to be 170,650, of which 10,000 were always in the neighbourhood of *Rome* [d].

Auguſtus takes to himſelf the government of all the provinces, in which troops were, on pretence of inſurrections, commonly kept; and leaves the others to be diſpoſed of by the conſcript fathers; thus cunningly keeping in his own hands the army, which lay in thoſe provinces [e].

Aurelius would not, like too many of his predeceſſors and followers, enrich the army with the plunder of the people [f].

Maximin, and ſeveral others of the imperial tyrants, were maſſacred by the ſame army which ſet them on the throne. The caſe has been the ſame in moſt countries, where the prince rules by means of an armed force.

Philippus, the ſuppoſed poiſoner of the excellent emperor *Gordian*, choſen emperor by the army, writes home

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[a] ANT. UNIV. HIST. XIII. 148.
[b] Ibid. XV. 280.
[c] Ibid. 281.
[d] Ibid. XIII. 490.
[e] Ibid. 488.
[f] Ibid. XV. 224.

home to the ſenate to inform them. They are obliged to acquieſce [a]. And when *Aurelian* was murdered, the ſenate did not dare to chooſe a ſucceſſor, though the army left it to them, leſt they ſhould not make a choice agreeable to the army. Wretched *Romans!* could not even chooſe their tyrant [b].

Claudius, and all the *Roman* emperors after him, gave the ſoldiers money on their acceſſion [c]. It was they, who dragged him from behind the tapeſtry, where, through averſion to eminence, he had hid himſelf, and ſet him on the throne [d]. *Nero* was carried to the camp, to be received as emperor, before he was acknowledged by the people [e]. It was the prætorian guards, who raiſed, at their pleaſure, almoſt all the emperors to the throne.

The *Roman* legions, taken by the *Gauls* in *Veſpaſian*'s time, ſwear allegiance to them, and promiſe to give up their officers [f]. So little does principle prevail in the army, and ſo little are they to be truſted by princes.

Nothing but a bribed army would have ſupported the villainous *Roman* emperors. *Caracalla* attempted in the ſight of the legions to ſtab his father the emperor *Severus*. He remonſtrates to him on his bloody and unnatural diſpoſition. *Caracalla* ſhews no remorſe; on the contrary, he afterwards attempts to depoſe his father, and debauches, for that purpoſe, ſeveral of the officers. Murders his brother *Geta* immediately on his acceſſion, and 20,000 of his domeſtics, and makes it death to utter his name. Murders in cold blood the whole youth of *Noricum*, and almoſt all the

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[a] Ant. Univ. Hist. xv. 409. [b] Ibid. 469.
[c] Ibid. xiv. 322. [d] Ibid. 320.
[e] Ibid. 368. [f] Ibid. xv. 14.

the *Alexandrians*, becauſe they had lampooned him. Orders a tribune and ſoldiers to bring *Chilo* and murder him before his face. The people ſave *Chilo*. *Caracalla*, to appeaſe the people, denies his having had any ſuch deſign, and orders the tribune and ſoldiers to be put to death as the propoſers of *Chilo*'s murder. Maſſacres a daughter of *Aurelius* for expreſſing ſome concern for the cruel fate of *Geta*, and ſeveral of the ſacred veſtal virgins on the ſame account. Orders his ſoldiers to maſſacre a multitude of people in the theatre for not liking a charioteer in the *Circenſian* games, whom he approved. The military ruffians, not diſtinguiſhing the delinquents from the reſt, fell indifferently upon all, ſword in hand, and made a dreadful havock of the helpleſs unarmed multitude, ſparing only ſuch as redeemed their lives with money. He loaded the people with taxes in all the provinces, ſaying, While I wear this ſword, I ſhall never want money; and at *Rome* cauſed numbers to be put to death, ſometimes out of revenge, for their cenſuring his tyrannical proceedings, ſometimes for his diverſion merely; for his ſupreme delight was the ſight of ſtreaming blood, and the ſound of dying groans. No ſex, rank, or age, eſcaped his fury. He wrote to the ſenate, that he knew, they diſapproved his conduct; but that he neither valued nor feared them, while he had an army at his command. Theſe are ſome of *Caracalla*'s feats. Yet this devil (and ſurely the moſt inveterate of the infernals, if he were to come up hot from the regions of fire and brimſtone, could not outdo ſuch a character) was, after his being put to death by order of *Macrinus*, his ſucceſſor, manufactured, by the irreſiſtible army, into a god, and *Macrinus*, the emperor, was obliged by the army to

to give his order to the ſenate for that purpoſe. Such are the bleſſings of a ſtanding army [a]!

The danger of armies appeared in the *Florentines* war with the *German* banditti [mercenaries diſbanded by making peace between the *Florentines* and *Viſconti*] who amounted to 8000 horſe, and 4000 foot, and plundered all *Italy*. Many towns paid whatever ranſom thoſe miſcreants impoſed on them. 'The faireſt and 'moſt populous provinces in *Italy* were laid under 'contribution by a ſet of lawleſs ruffians, whoſe pro-'greſs increaſed their numbers, as their barbarity did 'the horror in which they were held. Wherever they 'met with the leaſt reſiſtance, ruin to the inhabitants 'was the certain conſequence: they demoliſhed 'towns, deſolated countries, ſlaughtered people, and 'nothing but money could buy off their ravages. It 'was upon this occaſion that the wiſdom and mag-'nanimity of the *Florentines* ſhone out with a luſtre, 'equal to that of the greateſt ſtates of antiquity. 'Inſtead of being intimidated by the example of their 'neighbours, or the numbers of the banditti, they 'conſidered them as monſters, and were determined 'to deſtroy them. The moſt reſpectable citizens of 'the *Florentine* allies came to *Florence*, to perſuade 'the people, and magiſtrates, that they had no way 'to avoid certain deſtruction but to ſend deputies to 'treat with the ruffians; and that they might buy 'their peace cheaper than their quarters for a ſingle 'day would coſt them; this advice was diſdained by 'the *Florentines*. *Malateſta* led his troops to the 'field againſt the banditti, and offered them battle, 'but the robbers were ſtartled at their valour, and re-'treated: the *Florentines* perſued them with ſucceſs.

'And

[a] Ant. Univ. Hist. xv. 322—342.

'And now it appeared that true courage cannot animate a lawleſs ſet of men.

'The attention of all *Italy* had been employed for 'ſome time upon the firm conduct of the *Florentines*, 'and it now became their admiration. The moſt 'diſtant ſtates intereſted themſelves in the fate and 'ſupport of ſo much magnanimity, and wanted to 'ſhare in the glory.

'Thus ended, to the immortal honour of *Florence*, 'a danger that threatened great calamity to her ſtate [a].' Armies are dangerous, when kept up, and dangerous when diſbanded.

So much is an army neceſſary to tyranny, that all the deſpotic power now in *Europe* is owing to ſtanding armies being formed, and was, till then, unknown. *Ch.* VII. of *France* (where the firſt ſtanding army was eſtabliſhed) was very abſolute, and *Lewis* XI. more. He humbled his nobles; divided them; increaſed his army and his revenue; and by threatening and bribing, biaſſed the aſſembly of the ſtates [b].

The revolution in which *Elizabeth*, daughter of *Peter* the Great, mounted the throne of *Ruſſia*, was brought about by *Elizabeth*'s being more in favour with the army, than the great duke, whom ſhe dethroned [c].

When cardinal *Ximenes*'s authority for governing the kingdom of *Spain*, during the minority of *Ch.* V. was queſtioned by ſome of the grandees, he brought out to them the will of *Ferdinand*, and ratification by *Charles*, appointing him regent. Afterwards drawing them to a balcony, from whence they could ſee ſome troops exerciſing, 'If, ſays he, you be not contented 'with

[a] Mod. Univ. Hist. xxxvi. 126.
[b] See *Robertſ.* Hist. Ch. V. i. 98.
[c] Mod. Univ. Hist. xlii. 344.

'with the authority I have ſhewn you, look there; 'by theſe I mean to keep up my power.' He was armed; they unarmed. Which was likely to prevail [a]? *Ximenes* was a wiſe and good miniſter. But had he been the worſt that ever was poſſeſſed of power, the army would probably have ſupported him.

When the ſilly commons of *Denmark*, *A. D.* 1660, threw away their liberties (as children do the play-things they are tired of) the king at firſt told them, offering him abſolute power, that he had ſcruples, *Nolo epiſcopari*; but he artfully ſhut the city gates on pretence of keeping the peace; but in reality, becauſe, 'having the army entirely in his power, it was im-'poſſible for any of the nobility to retire to their 'eſtates without his leave, which brought his in-'trigues to a ſpeedy iſſue [b].'

In the great kingdom of *Siam*, the governors of the diſtant provinces often engage the troops under them to revolt, and ſet up for themſelves [c].

When prince *Maurice* attempted to ſeize the liberties of *Holland*, he filled the roads and avenues with his ſoldiers [d]. 'It was impoſſible for the cities of *Holland* 'to ſave themſelves, becauſe the ſtatholder had the 'army at command, and the ſtates of *Holland* were 'wholly diſarmed [e].'

In this very year 1772, the *Swediſh* army has enſlaved that country.

Unfortunately for the peace of mankind, armies are but too eaſily found, ready to fight for any cauſe. Did not that moſt worthleſs prince *Rich.* III. find an army of *Engliſhmen* ready to fight for him againſt liberty.

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[a] See *Robertſ.* CH. V. II. 33.

[b] MOD. UNIV. HIST. XXXII. 20.

[c] Ibid. VII. 264.

[d] Ibid. XXXI. 230.

[e] Ibid. 232.

liberty. Did not *Ch.* I. find one? Was not the army under *Jam.* II. willing to ſupport his tyranny, till they came to underſtand, that he intended to diſband them the firſt opportunity, and to replace them with an army of papiſts? And did he not find an army to fight for him afterwards in *Ireland?*

An army may be led on to any violence, however contrary to the general ſentiments, if there is a proſpect of a plentiful harveſt of ſpoil. *Ladiſlaus*, king of *Naples*, *A. D.* 1413, though himſelf a papiſt, and every ſoldier in his army a papiſt, plundered the holy Father's holy chapel and palaces, ſtripped the holy churches, ſeized the holy jewels, and holy ſhrines of the holy ſaints, and maſſacred ſeveral of the holy biſhops [a]. *Charlemagne*, on the contrary, propoſed to employ his ſoldiery in time of peace, in making canals and public works [b]. Ours are employed too in time of peace — in drinking, whoring, powdering for the reviews, and maſſacring the people.

The *Turkiſh* janizaries and prieſts rule all, and ſet up and pull down ſultans at their pleaſure. The *Roman* army, under the emperors, did the ſame. It is certain, that the janizaries and prieſts in *Turkey* could at any time obtain a *Magna Charta* for their country, and that the *Roman* army under the emperors could have reſtored the republican liberty, when they pleaſed. But ſuch is the nature of man. A king will erect himſelf into a tyrant; and every common ſoldier is for ſupporting him, becauſe he himſelf is a petty tyrant under the great one; which pleaſure he knows he muſt loſe, whenever general liberty is reſtored. Therefore he will certainly never promote a reſtoration of liberty.

[a] Mod. Univ. Hist. xxviii. 213.
[b] Ibid. xxiii. 146.

'In two years we have seen the constitution of 'France, Sweden, and Poland overturned, and reduced 'to military governments [a].'

'By this,' (says *Whitelock* [b], speaking of the army's petition, *A. D.* 1646.) 'we may take notice how 'soon the officers and soldiers of an army, though 'ever so well disciplined, will, through want of 'action, [an army can have no action in time of peace], 'fall into disorder, and designs of trouble.' Again: 'Here it was observed [in the house] that 'a victorious army out of employment is very incli-'nable to assume power over their principals; and 'this occasioned the parliament's greater care for their 'employment in *Ireland*.' He observes, on the two houses ordering their declaration against the army to be erased from their journals, That 'then the parliament 'begun to surrender themselves and their power into 'the hands of their own army.' When they removed the king from *Holdenby*, they acted altogether by their own authority; and when he asked by what warrant, cornet *Joyce* answered, It was the plea-sure of the army. Afterwards [c], the soldiery beset the house of commons, and extorted ordinances in their favour. Then parliament found it necessary to enable the city to raise the militia for their defence against the army. The army advances. This report of their approach puts all in terror. The committee of safety is revived. The sheriffs and common-council attend the house with letters from the army. A committee of both houses sits all night. Letters are sent from both houses requiring general *Fairfax* not to come nearer than 15 miles of *London*. The trained

[a] *Dalr.* II. 245.
[b] *Whitelocke's* MEM. p. 245.
[c] Ibid. 254.

trained-bands were raiſed, and the ſhops for ſeveral days ſhut. Meſſages after meſſages from the parliament and city to the terrible army. The army at *St. Albans*. The trained-bands ordered to guard the houſe. The army ſends demanding, that 11 members, obnoxious to them, be ſuſpended, with other matters equally arbitrary. At length, ſays the ſame author [a], 'ſeveral counties, and the citizens of *London* begun 'to make all their applications to the general 'and army, omitting the parliament, and all looked 'upon the army as in the chief place, and were 'afraid of doing any thing contrary to them.' And, the votes of the houſe ſhewed ſuch a fear of the army as was much cenſured. The 11 members, for the ſake of peace, though nothing was laid to their charge, left the houſe, and ſome of them the kingdom.

When *Ch.* I. ever bent on miſchief, propoſed to give *Spain* the *Iriſh* army, who had no viſible want of them, the lords agreed immediately. But the wiſe, and conſequently ſuſpicious, commons found a deſign in this, *viz.* to keep up an embodied army, which he could call over from *Flanders* when he pleaſed. The mad king inſiſts on performing his promiſe. Parliament publiſhes an ordinance forbidding all perſons to aſſiſt in tranſporting them, on pain of being declared enemies to the ſtate. Nobody dared, after this, to obey the king [b].

In the tyranny of *Ch.* I. ſoldiers were billetted on private houſes, as a puniſhment for reſiſting the king's unparliamentary ſchemes for raiſing money. The people were afraid to go from home, even to church, leſt their houſes ſhould be rifled the while.

[a] *Whitelocke's* MEM. 257. [b] *Rap.* II. 380.

The magiſtracy were reſiſted by them. Farmers fled, and the rents were unpaid. The manners of the people were debauched by the ruffian-ſoldiery. Robberies, rapes, and murders were committed by them, unpuniſhed, unreſtrained. The manufacturers, and other working people, were interrupted in their buſineſs by their violence. The markets were unfrequented, through danger of travelling. And inſurrections and rebellions were the conſequences to be expected from the diſcontents of the people [a].

It is true, that alehouſes and ſots-holes are as great a nuiſance as can be in a country; and therefore it is no great matter what burden be laid on them. But inns are abſolutely neceſſary in a commercial country; and to fill them with uſeleſs and dangerous ſoldiers is a grievance they may very juſtly complain of, as it ſingles them out from all other houſe-keepers, and ſubjects them, like papiſts, to an extraordinary tax. And on the other hand, to place the army in garriſons and barracks, is ſeparating them ſtill more from the people, and leading them to think themſelves and their intereſt totally diſtinct.

This, and a thouſand other conſiderations, ſhew an army in a free country to be an inſtitution incapable of being put on a proper foot.

In the year 1647, when general *Fairfax* entered the city with his army, where he behaved with much regularity, his power was ſo uncontrouled, that he might, probably, have aſſumed what ſtation he pleaſed [b]. His having ſo great power by means of his forces, ſhews the tremendous importance of the army. His making ſo moderate a uſe of the aſcendancy he had (compare his conduct with *Cromwell*'s afterwards) ſhews extraordinary magnanimity.

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[a] PARL. HIST. VII. 450. [b] *Macaul.* IV. 342.

When *Fairfax* saw himself at the head of the army, he assumed the authority of a king, as appears by his letters still extant. He protests against all proceedings of the parliament during certain periods. He insists on the punishment of the eleven members, who were obnoxious to the army; who afterwards grew very outrageous; they had some pretence, because parliament had resolved to disband them without satisfying their demands [a]. Cornet *Joyce*, and a party of soldiers seize the king at *Holdenby*. Parliament resolves (too late) to redress the army's grievances, and expunge the offence. By which resolutions, says *Whitelocke*, they gave themselves up to their own army.

The two new speakers send a strong remonstrance to *Fairfax* on the violences committed by the army [b]. They complain of his coming nearer the city than they had ordered, and desire him to return to his station. They complain of the army's attacking and killing several persons; and of warrants from him for raising men and money without authority of parliament; the very worst charge against *Ch.* I. himself.

The city was dreadfully alarmed at the approach of the army so near as *St. Albans*. The shops shut, and trained bands ordered out on pain of death. The guards about the two houses were doubled, and arms placed in the outer rooms [c].

See a letter from the lord mayor, aldermen, &c. to *Fairfax*, flattering him most shamefully, and assuring him that no counter-army has been, or shall, with their consent, be raised. The army was then predominant above all.

[a] Parl. Hist. xv. 394.
[b] Ibid. xvi. 207.
[c] Ibid. xv. 443.

Parliament publiſhes (too late) an indemnity for the army. A committee of members ſent to treat with them. All which made them only more inſolent [a].

The commons recant their votes againſt the army, and appoint a faſt through fear of them [b].

'The army is a formidable body not to be pro-'voked, and will be upon you before you be aware.' General *Skippon* to the parliament [c].

Fairfax marches into the city without oppoſition. Plants ordnance againſt the gate on the bridge. The citizens preſently yield, and revoke all they had publiſhed againſt the army. They offer the general a golden ewer, value 1,000 *l.* and invite him and his officers to a feaſt at *Guildhall*. He declines theſe forced compliments. He and his army march through the city with laurels as conquerors. The city ſneaks. This is the true ſpirit of the army. The general receives the thanks of both houſes [for enſlaving them [d].]

A remonſtrance comes from the army for purging the houſe of the members diſliked by them [e]. Upon which the lords order a letter of thanks to be ſent to *Fairfax* for his care of the parliament's *independency*. The army threatens open war, if any of the expelled members preſume to ſit, unleſs they acquit themſelves of all blame to the ſatisfaction of the houſe [f].

Delinquents, *i. e.* thoſe whom the army diſapproved, diſqualified by a forced act of parliament for voting in elections for mayors, recorders, ſheriffs, &c, but no mention of members [g]. In this manner did the army rule with a rod of iron.

Cromwell

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[a] PARL. HIST. xv. 407.
[b] Ibid. 412.
[c] Ibid. 413.
[d] Ibid. xvi. 239.
[e] Ibid. 251.
[f] Ibid. 272.
[g] Ibid. 311.

Cromwell and *Ireton* pretend to be much offended againſt the ſoldiers, while they were ſecretly encouraging them. Parliament ſuſpects *Cromwell*, and deſigns to ſeize him. He hears of the deſign, and ſuddenly flies to the army, though juſt before, he had told the houſe he was hated in the army, and in danger of his life, becauſe he was for the parliament[a].

Many members, *A. D.* 1648, were ſeized and confined by the ſoldiery[b]. Treated with unexampled inſolence; eſpecially *Prynne*, who deſerved ſo well of the public by ſtanding up for liberty, for which he with *Baſtwicke* and *Burton* was pilloried, and cruelly mangled.

Under *Cromwell*, the mock-patron of liberty, there was eſtabliſhed a ſtanding army of 10,000 horſe, and 20,000 foot. This was his way of ſettling a free conſtitution[c].

The ſudden diſſolution of the parliament, *A. D.* 1653, is aſcribed by ſome to *Cromwell*'s ambition, who wanted to take upon himſelf the charge of protector, and employed a ſet of members in the houſe to propoſe it. Some refuſing to quit the houſe, were driven out by a file of muſqueteers: So that what in *Charles* I. was called abominable tyranny, was acted anew by the liberty folks. O man! O my worthleſs fellow-creature! What a *Proteus* thou art! But thou art my fellow-creature; and therefore, if I could, I would do thee good. *Cromwell* proteſts that he knew nothing of their diſſolving themſelves till they came to him[d]. Immediately after he had done the

[a] PARL. HIST. XV. 364.
[b] Ibid. XVIII. 447. [c] Ibid. XX. 258.
[d] Ibid. XX. 241.

moſt tyrannical thing ever heard of, *viz.* excluding by military force almoſt 100 members from the houſe, becauſe they were not of his ſide, the commons requeſt him to be king[a]. Such weight does the army give to the ſcale, into which it is thrown.

In the time of the republic, when *England* was in the way to her higheſt pinnacle of glory, the chief attention was paid to the fleet. Kings, on the contrary, truſt chiefly to the army, as being the proper inſtrument for gaining the great object of kings. 'It 'is doubtful,' ſays our celebrated female hiſtorian, 'whether a naval force could be rendered uſeful in 'any capacity, but that of extending the power and 'proſperity of the country[b].' She obſerves[c], that *Cromwell* could not have eſtabliſhed his uſurpation, but by the army; that after the diſſolution of the republican parliament, the army was the only viſible acting power; and that they accordingly took upon themſelves the whole government of the ſtate, and ſweet was the government they carried on.

Mr. *Pierrepoint* ſaid, in the houſe of commons, *A. D.* 1660, it was inconſiſtent for an army and a parliament to ſubſiſt together, and that the trained bands were ſufficient. Colonel *Birch* ſaid, 'The 'people's liberties were not ſafe with ſuch an army; 'that though he was a member of it himſelf, yet he 'moved it might be paid off[d].'

See major *Robert Huntingdon*'s reaſons for laying down his commiſſion, *A. D.* 1647, RYM. FOED. xx. 558, in which he ſhews, that he ſaw plainly, *Cromwell*'s

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[a] PARL. HIST. xxi. 169.
[b] *Macaul.* HIST. v. 111. [c] Ibid.
[d] PARL. HIST. xxii. 365.

Cromwell's design was to set himself and the army above both parties, viz. king and parliament; and that *Cromwell*, with all his cunning, had often publicly declared in conversation with his friends, 'That the 'interest of honest men' [his own party] 'was the in-'terest of the kingdom. That he hoped the army 'should be an army, as long as they lived. That it 'was lawful to purge the parliament, or put a period 'to it, and support his own party by force. That it 'was lawful to play the knave with knaves, &c.'

Cromwell's pranks shew plainly, that a man of courage backed by an army, is capable of any thing. The dialogue between him and *Whitlocke*, about *Cromwell*'s taking the crown, is very curious. *Cromwell* shews, that he thinks public affairs on a very precarious foot on account of the quarrels between the army and parliament. Complains of the pride, ambition and avarice of the latter, ingrossing all places of profit and honour; their factious dispositions, delays of business, design to perpetuate themselves in power, scandalous lives, nothing to keep them in bounds, being the supreme power. *Cromwell* proposes to take upon himself the name of king [before he was lord-protector] *Whitlocke* told him, the cure would be worse than the disease; that he had the kingly power almost, without the invidious name. That the very contest was, whether *England* should be a monarchy, or a republic, not whether the king's name should be *Ch.* or *Oliver*. *Whitlocke* proposes that *Cromwell* restore *Ch.* II. and stipulate security for himself and friends. *Cromwell* not pleased with *Whitlocke*'s sentiments, conceals his displeasure with much prudence, and sends *Whitlocke* soon after ambassador to *Sweden*[a].

'In

[a] *Whitlocke*'s MEM. p. 523.

'In the ſhort ſpace of 12 years, the parliament had 'entirely ſubdued an eſtabliſhed tyranny of more than '500. In the form of government built on its ruins, 'they had recalled the wiſdom, and the glory of an-'tient times. One revolted nation they had reduced 'to obedience; another they had added to the *Engliſh* 'empire. The United Provinces were humbled to a 'ſtate of accepting any impoſed terms. And the 'declared enemy of all the courts and ſtates of *Europe* 'was turned to humble and earneſt ſolicitation for 'friendſhip and alliance. At this full period of na-'tional glory, when both the domeſtic and foreign 'enemies of the country were diſperſed, and every 'where ſubdued, when *England*, after ſo long a ſubjec-'tion to monarchical tyranny, bade fair to out-do in 'the conſtitution of its government, and conſequently 'in its power and ſtrength, every circumſtance of 'glory, wiſdom, and happineſs, related of antient, or 'modern times; when *Engliſhmen* were on the point 'of attaining a fuller meaſure of happineſs, than had 'ever been the portion of human ſociety—the baſe 'and wicked ſelfiſhneſs of one truſted citizen' [at the head of an army] 'diſappointed the promiſed harveſt 'of their hopes, and deprived them of that liberty, for 'which, at the expence of their blood and their trea-'ſure, they had ſo long and ſo bravely contended[a].'

Thus our incomparable female hiſtorian ſets forth the miſchiefs which that extraordinary man was enabled to do to his *country*, by means of the tremendous army. Nor did he obtain for *himſelf* any honour or advantage, which could in any degree compenſate for the evils he brought on *England*. He deſtroyed the liberties of his country, and with them ruined the happineſs of his own

[a] *Macaul.* Hist. v. 95.

own life. Wretched ambition! To what doſt thou bring thy votaries! See *Cromwell*, who might have lived peaceful and happy, had he, immediately after ſettling the commonwealth, diſbanded his army, and returned to a private unenvied ſtation, and who might have been to all ages celebrated among the illuſtrious founders of ſtates, the patrons of liberty, and deſtroyers of tyrants—behold him, canting, ſneaking, and diſſembling, to curry favour with thoſe he deſpiſed; behold him tortured with guilt, and fear of aſſaſſination, and of damnation; ſcared at the ſight of every ſtranger; terrified at pamphlets and paragraphs encouraging to deſtroy him; armed with a coat of mail under his cloaths; afraid to ſleep two nights in the ſame chamber, or to return the ſame way he went; incumbered with guards, and afraid even of them; hated by his relations; diſtruſting, and diſtruſted by his domeſtics; dying juſt in time, ſurrounded with difficulties and diſtreſſes, from which he was not likely to extricate himſelf.

What availed his raiſing himſelf to the romantic heighth, to which he at laſt ſoared, when from a private gentleman, and a cornet of horſe, he came to be every thing of a king but the name, and ſeemed by his anſwer to Monſieur *Bellievre* admiring his wonderful fortune, *(L'on ne monte jamais ſi haut, que lorſqu'on ne ſçait ou l'on va)* to be himſelf aſtoniſhed at his own elevation—What availed, I ſay, the wonderful feats he performed by means of the army, when he made all *Europe* ſtand aghaſt at the ſound of his name? A very ſhort ſpace of time would, probably, if he had lived, have brought him down as low, as ever he was high. For nothing is permanent that is not founded in juſtice.

Afterwards

Afterwards the army fell into the hands of *Lambert*, whose officers make demands on the parliament. They resolve against them. Great contests between parliament and army [a]. At last *Lambert* stops the speaker in his coach, and hinders the house from meeting [b]. This was the second time of forcibly dissolving this parliament.

When the peaceable *Richard*, the son of *Cromwell*, succeeded to his father's protectoral power, he soon found that the officers designed to force him to dissolve the parliament [c]. He is obliged to yield to the army; loses all his authority. The army takes the government [d].

The parliament would have established republican government, upon the resignation of *Richard Cromwell*, if they had not been bullied out of it by *Monk* and the *army*, who brought in again upon their country, the curse of the *Stuarts*.

There was in short nothing but doing and undoing in those times; the parliament being as much slaves to the *army* then, as they are in modern times [the present always excepted] to the court.

It is well known, that *Ch.* II. proposed, by means of the *army*, to enslave the kingdom.

The garrison of *Tangiers* being brought over to *England*, 'served to augment that small *army*, on 'which the king' [*Ch.* II.] 'relied, as one solid basis 'of his authority [e].'

An honest, though too timid house of commons, addressed *Ch.* II. against his guards (which were but 6000) as unfavourable to liberty [f].

The

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[a] *Rap.* II. 609. [b] Ibid. 610.
[c] *Rap.* II. 604. [d] Ibid. 605.
[e] *Hume*'s HIST. STUARTS, II. 335. [f] Ibid. 234.

The commons in *Ch.* II.'s ſecond parliament, voted the ſtanding army, and king's guards, illegal [a]. Mr. *Hume* approves this as neceſſary to liberty [b].

The parliament beginning to doubt, whether there had not been too great a confidence repoſed in *Ch.* II. by that generation of fond fools, who received him at his reſtoration, and by their beſlobbering, ſpoiled him; voted, that he ſhould not have power to keep the militia under arms above a fortnight together, without conſent of parliament [c]. They were jealous even of the *militia*. We are not afraid of above 40,000 *ſoldiery* wholly dependent on the crown, and detached for life from the people.

Clarendon at laſt perſuaded *Ch.* II. that he could not be ſafe on his throne, without diſbanding the *army*, which having once been above all other powers in the ſtate, and having modelled it at their pleaſure, would not be likely to brook ſubmiſſion to a king. It was accordingly broke, all but 1000 horſe and 5000 foot. The *firſt ſtanding army* in *England* [d].

'It was generally believed that the deſign was to 'keep up and model the army now raiſed, reckoning, 'there would be money enough' [300,000 *l.* a year for three years, expected from the *French* king] 'to pay 'them, 'till the nation ſhould be brought under mili-'tary government.'

Ch. II. and his brother the duke of *York*, laid the main ſtreſs of their kingſhip upon the *army*.

'If once they (the duke of *York*'s enemies) get the 'navy, purge the guards and garriſons, and put new 'men in, they will be abſolute maſters.' The duke of *York*'s words in his letter to the prince of *Orange* [e].

'The

[a] *Hume*'s HIST. STUARTS, II. 303. [b] Ibid.
[c] Ibid. 137. [d] Ibid. 136.
[e] *Dalrymp.* MEM. II. 219.

'The king (*Ch.* II.) has yet the fleet, the garri-'sons and guards; so that if he will stand by himself, 'he may yet be a king.' The duke of *York* to the prince of *Orange*[a].

'Upon the defeat of *Monmouth*'s rebellion, king '*James* became intoxicated with his prosperity. In-'stead of disbanding his army, he encamped it on '*Hounslow* heath, and resolved to make it the great 'instrument of his power[b].'

Mr. *Trenchard*, in the year 1722, defied the advocates for standing armies, to produce a plausible pretext for keeping them up. What would he have said, had he lived in our times, when every argument for them is grown weaker[c]?

'I presume, says he[d], no man will be audacious 'enough to propose, that we should make a standing 'army part of our constitution.' Is it not, in our times, to every intent and purpose a part of our constitution?

Parliament under *William* and *Mary* were unconquerably resolute on disbanding the army, and sending away the *Dutch* guards, though the king had in a manner petitioned for their stay. *William* was highly disgusted, so that he made a speech which he intended to speak in parliament, and to abdicate, and go abroad. It is uncertain how he was diverted from his purpose. In his letter to lord *Galway*, he has these words. 'It is not to be conceived how people here are set 'against foreigners.' And afterwards. 'There is a 'spirit of ignorance and malice prevails here, beyond 'conception[e].'

King

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[a] *Dalrymp.* MEM. II. 221. [b] Ibid. 169.

[c] See CATO's LETT. III. 248, *seq.* [d] Ibid. 250.

[e] *Tind.* CONTIN. I. 389.

King *William*, in his ſpeech, *A. D.* 1697, tells parliament that a land-force is neceſſary; and indeed there was, at that time, ſome pretence, becauſe of the mad diſaffected party which prevailed. Yet a militia was manifeſtly preferable then, and at all times. But the beſt kings love a mercenary army better than a free militia. Many of the members were offended at the king's recommending ſo ſtrongly an army of land-forces. And the firſt reſolution made was directly in the teeth of the king's ſpeech, *viz.* That all the land-forces of this kingdom which have been raiſed ſince *September* 29, 1680, ſhall be paid and diſbanded. The army conſiſted then of 17,656 infantry, and 6,876 horſe and dragoons. Orders were given out for rewarding, paying off, and granting privileges to the ſoldiers, and for making the militia uſeful [a].

It is ſaid, that the ſame prince, enraged at parliament's refuſing to let his *Dutch* guards ſtay with him, after he had requeſted it as a perſonal favour, ſwore, 'if he had a ſon, they ſhould not leave him.' That is, it would have been worth his while to keep them in ſpite of parliament. And it is plain, he thought this practicable, and if it was, then any thing may be practicable by him, who has the command of the tremendous army.

The commons, ſtaunch to the ſalutary doctrine of "No ſtanding army in a free country in a time of peace," went on reforming the army, till at laſt they ſettled it at about 10,000. The king was highly offended at their jealouſy of him, who had done ſo much for them; and never deceived them. Said to *Burnet*, that if he had

[a] Deb. Com. iii. 76.

known how the *Engliſh* would treat him, he never would have meddled with them [a]. Did our glorious deliverer really think the people were not as anxious about their own ſafety as he could be? What was it to him, what army the people of *England* choſe to keep up? Did not they know beſt? And was it not their affair much more than his?

Upon the diſbanding of the army under king *William*, a larger proviſion was made for the ſea ſervice. The nation could better afford it [b].

The *Dutch* keep up no more than 32,000 ſtanding forces in time of war; though they are upon the ſame continent with, and their capital not many days march from the *French* dominions [c].

So hard have the miniſterial crew been put to it for arguments to defend the keeping up of a ſtanding army, that we find in the DEB. OF THE LORDS, IV. 453, a pretence, taken from the number of ſtanding forces kept up by *France*, for our keeping up an army proportioned to the *French*. Whereas we ſhould have no more to fear from *France*'s keeping up an army of a million of men, than of one thouſand, unleſs their fleet was an overmatch for ours.

In *Walpole*'s time, it was ſtrongly alledged, that officers were advanced, or neglected according to their parliamentary conduct and connections. Does not this render the army dreadfully dangerous to liberty?

'In all deliberations of this kind,' (ſays Mr. *Pulteney* in the debate on the *Spaniſh* convention, *A. D.* 1739,)

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[a] *Vind.* CONTIN. I. 366, 368.

[b] Ibid. I. 390.

[c] DEB. LORDS, IV. 452.

1739[a],) 'I have conſtantly obſerved theſe military 'gentlemen very prudently conſult the peace of their 'country, as well as their own glory, by being the 'firſt to approve of the miniſter's moſt deſtructive 'ſchemes, and even his pacific meaſures. We all 'know, when it has happened otherwiſe, what was 'the conſequence. They, who had the courage, to 'follow the dictates of their own breaſts, were diſ-'abled from further ſerving their country in a military 'capacity.'

The author of the *Preſent State of the Nation*, eſtimates the yearly expence of the uſeleſs and dangerous army in a profound peace at 1,437,600 *l.* including ordnance; while the ineſtimable fleet, and militia, the natural ſtrength of a free country ſurrounded with the ſea, coſt the nation only 1,600,000 *l.*

Every opportunity a miniſter and his tools have of embezzling the public money is an evil. The keeping up of a numerous ſtanding army furniſhes this very plentifully. It is alledged, that the great commanders under the umbrage of the miniſtry, have conſtantly ſeveral thouſand men in their pockets. Falſe muſters were found, *A. D.* 1711. Not above two thirds of the muſter-rolls were effective men. The annual eſtimate of the army in thoſe times uſed to be about 700,000 *l.*; one third of which, therefore, or 233,000 *l.* a year, muſt have been ſunk in certain pockets. Many debtors were protected by the military. *Chartres* guilty this way, and of tampering with witneſſes, produced before the committee. The queen was to be informed, and deſired to puniſh *Chartres*, and all other perſons concerned. It was found, that ſubjects had been impriſoned in the *Savoy* without

[a] Deb. Com. xi. 63.

authority in writing from a commiſſion-officer; that they had been put in irons, and ſold to be ſent abroad. The queen was deſired to give certain ſoldiers their diſmiſſion from the ſervice, and protection againſt preſſing; for having witneſſed theſe facts [a]. Thus the people are plundered, and amidſt the ſhew of a numerous army, deprived of the advantage, if advantage there be, in the reality. See a motion about the abſence of officers from *Minorca* [b]. Out of nineteen officers, only five were left on duty in the iſland, at a time when the invaſion of it was threatened by *Spain*, ſo publickly, that all *Europe* knew it. See the examination of general *Anſtruther*, lieutenant governor [c].

The great victories gained in queen *Anne*'s time over the *French* in land fights, were very prejudicial to *England*. For it was impoſſible we ſhould gain any advantage by continental conqueſts, and it was chiefly from that time, that we attached ourſelves to continental ſchemes, and became delighted with great armies and land wars, while the ſea is our proper element (of which more elſewhere); and the unfortunate circumſtance of two *German* princes filling the *Britiſh* throne immediately afterwards, who had no idea of an inſular ſituation, nor of any ſecurity, but what depends on numerous ſtanding forces; all theſe contributed to draw us into the fatal error of keeping up a large ſtanding army in this kingdom ſurrounded by the ocean; and in times of peace, as well as of war. It is not 20 years ſince we thought it neceſſary, *A. D.* 1756, to ſend for *Heſſians* and *Hanoverians* to defend us againſt an expected invaſion from *France*; which meaſure even *Voltaire* condemns, and compares

[a] Deb. Com. iv. 214.

[b] Deb. Lords, viii. 69. [c] Ibid. *ſeq.*

pares this proceeding with queen *Elizabeth*'s, who defended herſelf, without foreign auxiliaries, againſt *Philip* II. of *Spain*, the duke of *Parma*, the queen of *Scotch*, the *Iriſh*, and the papiſts [a]. Yet *George* I. reduced his land-forces, *A. D.* 1718, though he was at war with *Spain*, and his three kingdoms ſwarmed with jacobites [b].

CHAP. III.

A Militia, with the Navy, the only proper Security of a free People in an inſular Situation, both againſt foreign Invaſion and domeſtic Tyranny.

A Standing army, as thoſe on the continent, continues, of courſe, from year to year, without any new appointment, and is a part of the conſtitution. Our courtiers affect to call the *Britiſh* land-eſtabliſhment a parliamentary army, and would deceive us into the notion of a difference between a ſtanding army and a parliamentary. The *Britiſh* land-forces, ſay they, are appointed from year to year, not only as to their number, but their ſubſiſtence; ſo that the parliament's neglecting to provide for their ſubſiſtence would be annihilating the army at once. But is the army the leſs a grievance for its being on this foot, than if it were on the ſame with thoſe of *France* or *Spain?* Suppoſe that for twenty years together, we ſhould have no parliament called. At the end of that period, could the grievance and loſs to the nation be eſtimated as at all leſs upon the whole, than it would

[a] Ess. sur l'Hist. vi. 133.
[b] Deb. Com. vi. 183.

have been, if the king had at the beginning of the twenty years, declared by edict, that there ſhould be no parliament during that period? This would be a bolder ſtroke of tyranny, than merely neglecting, from year to year, or refuſing, to let the writs be iſſued; but the people would be as really deprived of the advantages of parliaments by one proceeding, as by the other.

'No kingdom can be ſecured otherwiſe than by 'arming the people. The poſſeſſion of arms is 'the diſtinction between a freeman and a ſlave. He, 'who has nothing, and who himſelf belongs to 'another, muſt be defended by him, whoſe property 'he is, and needs no arms. But he, who thinks he 'is his own maſter, and has what he can call his 'own, ought to have arms to defend himſelf, and 'what he poſſeſſes; elſe he lives precariouſly, and at 'diſcretion. And though for a while, thoſe, who 'have the ſword in their power, abſtain from doing 'him injury, yet by degrees he will be awed into 'ſubmiſſion to every arbitrary command. Our anceſ-'tors' [the *Caledonii*, ſee *Tacit. &c.*] 'by being 'always armed, and frequently in action, defended 'themſelves againſt the *Romans*, *Danes* and *Engliſh*, 'and maintained their liberty againſt the incroach-'ments of their own princes [a].'

'We all know, that the only way of enſlaving a 'people, is by keeping up a ſtanding army; that by 'ſtanding forces all limited monarchies have been 'deſtroyed; without them none; that ſo long as 'any ſtanding forces are allowed in a nation, pre-'tences will never be wanting to increaſe them; that 'princes have never ſuffered a militia to be put upon 'any

[a] *Fletcher*, p. 307.

'any good foot, leſt ſtanding armies ſhould appear 'unneceſſary [a].'

Mr. *Fletcher* gives [b] the plan of a militia for *Britain*. He propoſes three camps in *England*, and one in *Scotland*; and that every youth of every rank ſhould ſpend one or two years in the camp, at his coming of age, and perform military exerciſe once every week afterwards. But a great deal leſs than this would be ſufficient to make this, or any populous iſland inacceſſible to a foreign enemy. If we had in *Britain* a ſea and land militia, there would be no occaſion for the ſcandalous practice of preſſing.

The *Athenian* and *Spartan* militia conquered the *Perſian* mercenary armies, though infinitely more numerous. The greateſt part of *Alexander*'s army was militia. The *Romans* conquered all nations, in the republican times, while their army was an unpaid militia. In the imperial times, when the army was hired, the northern militia drove them out of one province after another, and at laſt *Odoacer* made himſelf king of *Italy*. The *Turks* had more trouble in ſubduing the militia of *Hungary* and *Epirus*, than in conquering all their empire beſides. *Scanderbeg*, with a ſmall militia, was conſtantly ſucceſsful in 22 battles againſt ſtanding armies. *Hunniades* and *Matthias* fought the *Turkiſh* ſtanding armies always with militia, 'and 'performed ſuch actions as poſterity can hardly believe.'

'The *Grecians* carried on their wars againſt *Perſia*, 'by means of their militia; and at laſt beat the nume-'rous mercenary armies, and ſubdued the vaſt empire 'of *Perſia*. The *Romans* carried on their wars againſt '*Carthage* by means of their militia; and, at laſt, 'beat the mercenary armies of *Carthage*, and deſtroyed

[a] *Fletcher*, p. 346. [b] P. 54.

'that rich and populous city. But when the *Romans*, 'in order to ſupport the arbitrary power of their 'emperors, began to put their whole truſt in merce- 'nary armies, their military glory ſoon began to 'decline; and at laſt the *Goths* and *Vandals*, and other 'northern nations, by means of their militia, drove 'before them the mercenary armies of *Rome*, and 'made that proud city ſubmit to the yoke which 'ſhe had, in former times, by the ſame means, put 'upon a great part of the world [a].'

'*La conſtitution de* Rome, *&c.* The conſtitution of '*Rome* was founded upon this principle, That thoſe 'only ſhould be ſoldiers, who had property to anſwer 'to the republic for their conduct. The equeſtrians, 'as being the richeſt, formed the cavalry of the legi- 'ons. When their dignity was increaſed, they would 'not ſerve any longer; ſo that it was neceſſary to 'raiſe another cavalry. *Marius* took into his legions 'all ſorts of people. The *Roman* republic was 'undone [b].'

'At the concluſion of the firſt *Punic* war, the '*Carthaginians* were compelled, by their treaty with 'the *Romans*, to evacuate *Sicily*. *Giſco*, therefore, 'who commanded in that iſland, to prevent the diſ- 'orders which might be committed by ſuch a multi- 'tude of deſperate fellows, compoſed of ſo many dif- 'ferent nations, and ſo long inured to blood and 'rapine, ſent them over gradually in ſmall bodies, 'that his countrymen might have time to pay off 'their arrears, and ſend them home to their reſpec- 'tive countries. But either the lowneſs of their 'finances, or the ill timed parſimony of the *Cartha-* '*ginians*,

[a] Deb. Lords, v. 301.

[b] *Monteſq.* L'Esprit des Loix, i. 287.

'*ginians*, totally defeated this ſalutary meaſure, though 'the wiſeſt that, as their affairs were at that time 'circumſtanced, could poſſibly have been taken. The '*Carthaginians* deferred their payment till the arrival 'of the whole body, in hopes of obtaining ſome 'abatement in their demands, by fairly laying before 'them the neceſſities of the public. But the merce-'naries were deaf to every repreſentation and propoſal 'of that nature. They felt their own ſtrength, and 'ſaw too plainly the weakneſs of their maſters. As 'faſt as one demand was agreed to, a more unreaſon-'able one was ſtarted; and they threatened to do 'themſelves juſtice by military execution, if their 'exorbitant demands were not immediately com-'plied with. At laſt, when they were juſt at the 'point of an accommodation with their maſters, 'by the mediation and addreſs of *Giſco*, two deſperate 'ruffians, named *Spendius* and *Mathos*, raiſed ſuch 'a flame among the unruly multitude, as broke out 'inſtantly into the moſt bloody and deſtructive war 'ever yet recorded in hiſtory. The account we have 'of it from the *Greek* hiſtorians muſt ſtrike the moſt 'callous breaſt with horror; and though it was at 'laſt happily terminated by the ſuperior conduct of '*Hamilcar Barcas*, the father of the great *Hanibal*, 'yet it continued near four years, and left the terri-'tories around *Carthage* a moſt ſhocking ſcene of 'blood and devaſtation. Such was, and ever will 'be, the conſequence, when a large body of merce-'nary troops is admitted into the heart of a rich and 'fertile country, where the bulk of the people are 'denied the uſe of arms by the miſtaken policy of their 'governors. For this was actually the caſe with the '*Carthaginians*, where the total diſuſe of arms amongſt 'the lower claſs of people laid that opulent country 'open,

'open, an eaſy and tempting prey to every invader. 'This was another capital error, and conſequently 'another cauſe which contributed to their ruin. How 'muſt any nation, but our own, which, with reſpect 'to the bulk of the people, lies in the ſame defence-'leſs ſituation, how, I ſay, muſt they cenſure the 'mighty ſtate of *Carthage* ſpreading terror and giving 'law to the moſt diſtant nations by her powerful 'fleets, when they ſee her at the ſame time tremb-'ling, and giving herſelf up for loſt at the landing of 'an invader in her own territories [a]!'

'I hope the enemies to a militia will at leaſt allow 'thoſe new levies, who compoſed by far the greateſt 'part of *Hamilcar*'s army upon this occaſion, to be 'raw, undiſciplined, and ignorant of the uſe of arms, 'epithets which they beſtow ſo plentifully upon a 'militia. Yet that able commander, with an army 'conſiſting chiefly of this kind of men, totally deſtroyed 'an army of deſperate veterans, took their general, 'and all who eſcaped the ſlaughter, priſoners, and 'put an end to the moſt ruinous and moſt in-'human war ever yet mentioned in hiſtory. Theſe 'new levies had courage, a quality never yet, I believe, 'diſputed to the *Britiſh* commonalty, and were to fight '*pro aris et focis*, for whatever was dear and valuable 'to a people; and *Hamilcar*, who well knew how to 'make uſe of theſe diſpoſitions of his countrymen, 'was maſter of thoſe abilities which *Mathos* wanted. 'Of ſuch infinite advantage is it to an army to have a 'commander ſuperior to the enemy in the art of gene-'ralſhip, an advantage which frequently ſupplies a 'deficiency even in the goodneſs of troops, as well as 'in numbers [b].'

A militia

[a] *Mountague*, ANT. REPUBL. 191. [b] Ibid. 204.

A militia is the natural ſtrength of a free people. The *Romans* had no regular forces on pay till the year of *Rome* 347, by which time they had gained moſt of their conqueſts, and which was their beſt period for public virtue.

When ſome of the *Chineſe* emperor *Tay-tſong*'s miniſters warned him of the danger of training his ſubjects ſo carefully to arms, leſt they ſhould rebel againſt him; he anſwered, 'I carry my ſubjects in my boſom; and 'have no more to fear from them, than a father from 'his children.'

At the union of *Utrecht*, which was the baſis of the union of the ſeven provinces againſt *Phil.* II. it was ſettled, that every male between 18 and 60 ſhould be trained to arms [a].

King *John* III. of *Portugal* eſtabliſhed a militia (the kings of *Portugal* were in thoſe times limited) by ordering, that every man of a certain income ſhould find a foot-ſoldier, when wanted. One of double, a muſqueteer; and he who was poſſeſſed of an eſtate of triple value, a trooper and horſe [b].

At the congreſs of *Munſter* and *Oſnabrug*, *A. D.* 1641, it was articled, 'that both cities ſhould be 'guarded by their own burghers and ſoldiers com-'manded by the magiſtrates [c].' A proper militia.

Cardinal *Ximenes*, the patriot of *Spain*, raiſed a militia of 30,000 men without expence, able to defend themſelves [d].

The province of *Entre Minho e Dauro*, in *Portugal*, is 18 leagues long, and 12 wide. The ſtanding militia is 16000 men. *Tra los montes* is 30 leagues by 20.

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[a] Mod. Univ. Hist. xxxi. 82. [b] Ibid. xxii. 232.
[c] Ibid. xxx. 249. [d] Ibid. xxi. 214.

20. Militia 10, or 12,000. *Beira* 34 leagues by 30. Militia 10,000 [a].

The frugal *Dutch* have a militia in their *Indian* ſettlements [b]. The pay of army-officers generally amounts to a third of the whole expence. The *Dutch* ſave this. For their militia officers have no pay. They fight for the preſervation of their property. The *frugality* of having a militia inſtead of an army, will, I am ſenſible, be no conſideration with our court. For one of the principal ends they have in view, in keeping up an army in times of peace, is the maintenance of ſeveral thouſands of gentlemen, as officers, who, by that means, are inviolably attached to the court.

When the northern nations in the time of *Charlemagne* made deſcents on many coaſts in a piratical manner, that great prince eſtabliſhed a militia in the maritime parts of *France* for the ſecurity of the kingdom, which proved effectual [c]. His ſon, *Lewis* the Pious, neglected to keep it up. The hoſtilities were renewed [d].

'For above two centuries, ſays *Vattel*, the *Swiſs* 'have enjoyed a profound peace, while the noiſe of 'arms has reſounded on all ſides, and war has laid 'waſte the reſt of *Europe*.' He aſcribes this to the courage and diſcipline of the people.

When the *Goths* and *Vandals* over-ran the weſtern parts of the *Roman* empire (ſays *Fletcher* of *Scotland*) the generals of armies made themſelves kings of the countries they conquered. They divided the lands among their officers, called barons, and they again gave ſmall parcels to their ſoldiers, who became their vaſſals,

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[a] Mod. Univ. Hist. xxii. 10. [b] Ibid. x. 553.
[c] Ibid. xxiii. 148, 153. [d] Ibid. 180.

vaſſals, and held by military ſervice. The king's revenue aroſe out of his demeſne lands. There was no mercenary army. Every man was a ſoldier, obliged to fight for his ſuperior; upon which tenure he held his lands. This continued to be the ſtate of things in *Europe* for about 1100 years from *A. D.* 400. In that period, the ſword was more properly in the hands of the barons, than of the kings. For the people held more immediately of the barons than of the kings. Now the ſword is come into the hands of kings, by means of mercenary armies. The power of granting money is not alone a ſufficient ſecurity for liberty. For a thouſand diſciplined ruffians will command the purſes of a million of untrained people. 'Not only, 'ſays he, that government is tyrannical, which is 'tyrannically adminiſtred, but all governments are 'tyrannical, which have not in their conſtitution a 'ſufficient ſecurity againſt arbitrary power.' He means a militia, to balance the dangerous army: p. 9. Afterwards, in conſequence of a more expenſive way of living in more poliſhed ages, the great land-owners were obliged to give their vaſſals up military ſervice, and to take rent for their lands. Foreign invaſions then put princes upon the pretence for ſetting up mercenary armies, whoſe pay was to be levied upon the people by taxes. Yet it is manifeſt, that a militia is the only natural defence of a free country both from invaſion and tyranny. For who is ſo likely to defend property, as the proprietor? It was the careleſſneſs of the people, that gave kings the opportunity of ſetting up tyrannies, and armies for ſupporting thoſe tyrannies. Rich and luxurious people choſe rather to pay than fight. So the ſword went out of the hands of the people into thoſe of the tyrant, and his hirelings. And now the people complain; whereas they ſhould have

have prevented. Kings do not chuſe to give up power, when once they have got it into their poſſeſſion. War became a profeſſion; and the army enabled the government to tax the people for the ſupport of the idle ſoldier and court-ſycophant. Our iſland, however, has no pretence for a ſtanding army.

Some *French* counſellors about *Mary* of *Guiſe*, queen dowager, and regent of *Scotland*, induced her to propoſe a tax for maintaining a ſtanding army to defend *Scotland* againſt *England*. Three hundred of the leſſer barons, when the lords, too obſequious (as uſual) to the court, conſented, by ſilence, to the meaſure, remonſtrated to the queen regent, and prevented the miſchief. They were ready, they ſaid, to defend their country. They would defend it better than mercenaries, men of deſperate fortunes, who have no hopes, but in the public calamity, who, for money, would attempt any thing, and whoſe faith would follow fortune's wheel. The queen dowager was afraid to puſh the ſcheme; but *Mary* took it up, on pretence of *Bothwel*'s having a deſign to ſeize her perſon. The army, however, was ſoon aboliſhed, and *Jam.* I. when king of *Scotland*, had only forty gentlemen for his guard. Had *Ch.* I. only had 5000 regular forces, as a baſis for his army, he would probably have conquered.

Fletcher anſwers the objection, That only a ſtanding army can defend us againſt the ſtanding army of *France*. He ſays, in our wars with *France*, our naval power ought chiefly to be truſted to. Mercenary troops are calculated, he ſays, to enſlave a nation. They are compoſed of men, who make a trade of war; of detached ruffians freed from ſhame and connexion with their country for life; whereas a militia are to return again among the people after ſerving a certain number of years. *Cæſar*, in order to enſlave his country, continued the ſame men beyond

the usual term of years. For the *Romans* intended, that both civil and military power should pass from hand to hand, and never grow inveterate among the same set of men.

Nothing will make a nation so unconquerable as a militia, or every man's being trained to arms. For every *Briton* having in him by birth the principal part of a soldier, I mean the heart; will want but little training beyond what he will have as a militia-man, to make him a complete soldier. A standing army, though numerous, might be routed in one engagement, if an engagement should happen in consequence of a *French* invasion. Whereas the militia of *Britain* would be a million of men; which would render a descent from *France* an operation of war not to be thought of [a].

'All the force, which the *French* can throw over 'to this country, before our fleet can come to our 'assistance, must be so inconsiderable, that their land-'ing would deserve the name of a surprize, rather 'than of an invasion;' says one, who will hardly be suspected of intending to derogate from the importance of the army; I mean, *John*, duke of *Argyle* [b].

De Wit proposed to the *French* king, during the first *Dutch* war, an invasion of *England*. The king replied, that such an attempt would be fruitless, and would unite all the jarring parties in *England* against the enemy. 'We shall have,' says he, 'in a few 'days after our landing, 50,000 men (meaning the 'militia) upon us [c].'

Mr. *Fletcher* adds afterwards what follows.

'The essential quality of a militia consistent with 'freedom,

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[a] *Fletcher*'s WORKS, p. 31.

[b] DEB. LORDS, VII. 79.

[c] *Hume*, HIST. STUARTS, II. 446.

'freedom, is, That the officers be named, and pre-
'ferred, and they, and the ſoldiers maintained, not
'by the prince but the people, who ſend them out.
'Ambitious princes [and he would have added, if he had fore-known the late duke of *Newcaſtle*'s oppoſition to the eſtabliſhment of the militia, *corrupt miniſters*]
'have always endeavoured to diſcredit the militia, and
'render it burdenſome to the people, by never ſuffer-
'ing it to be upon any right, or even tolerable foot-
'ing; all to perſuade the neceſſity of ſtanding forces.
'In the battle of *Naſeby*, the number of forces was
'equal on both ſides; and all circumſtances equal.
'In the parliament's army only nine officers had ever
'ſeen actual ſervice, and moſt of the ſoldiers were
'*London* prentices, drawn out of the city two months
'before. In the king's army there were above 1000
'officers, who had ſerved abroad; yet the regulars
'were routed by the prentices. A good militia is of
'ſuch importance to a nation, that it is the chief part
'of the conſtitution of every free government. For,
'though, as to other things, the conſtitution be ever
'ſo ſlight, a good militia will always preſerve the
'public liberty; and in the beſt conſtitution ever
'known, as to all other parts of government, if the
'militia be not upon a right foot, the liberty of the
'people muſt periſh. The militia of antient *Rome*
'made her miſtreſs of the world. Standing armies
'enſlaved her. The *Lacedæmonians* continued 800
'years free, becauſe they had a good militia. The
'*Swiſs* are the freeſt people in our times, and like to
'continue ſuch the longeſt, becauſe they have the
'beſt militia[a].'

However a corrupt government may intend to defeat the deſign of a militia by totally perverting it from

[a] *Fletcher*'s WORKS, p. 31, 42, 54.

from its original intention and uſe, this ought not to hinder all men of property from learning the uſe of arms. There is no law againſt a free ſubject's acquiring any laudable accompliſhment. And if the generality of houſekeepers were only half-diſciplined, a deſigning prince, or miniſtry, would hardly dare to provoke the people by an open attack on their liberties, leſt they ſhould find means to be completely inſtructed in the exerciſe of arms before the chain could be rivetted. But without the people's having ſome knowledge of arms, I ſee not what is to ſecure them againſt ſlavery, whenever it ſhall pleaſe a daring prince, or miniſter, to reſolve on making the experiment. See the hiſtories of all the nations of the world.

The militia-act is long and intricate; whereas there was nothing neceſſary, but to direct, that every third man in every pariſh in *England*, whoſe houſe had 10 or more windows, ſhould be exerciſed in his own pariſh, by an experienced ſerjeant, times every year, the days to be appointed; and every third part of every pariſh to be upon the liſt for three years, and free ſix years, ſo that in nine years every ſuch houſekeeper in *England* might have had all the knowledge he could acquire by field-days. The men never to be drawn out of their reſpective pariſhes, but to reſiſt an invaſion, quell an inſurrection, or for ſome neceſſary purpoſe. Every healthy houſekeeper of 10 windows and above, under 50, who refuſed to enliſt and attend the exerciſing days, to be fined. No hirelings to be accepted. The commanders to be the men of largeſt property in each county.

A country, in which every man of property could defend his property, could have no occaſion for a dangerous ſtanding army, and would be incomparably

more secure against invasion, than it could be with a standing army of 50,000 men scattered over a whole empire.

Lord *Lyttelton* thinks the militia (the only permanent military force, our ancestors knew) was commanded by the heretoch of every county, who was annually chosen into his office by the freeholders in the folkmote, or county-court; and that after the *Norman* times, this command devolved upon the earl of each county.

A militia consisting of any others than the men of *property* in a country, is no militia; but a mungrel army.

Men of business and property will never choose to enter into the militia, if they may be called from their homes, and their business, for three years together, subject to martial law all the while.

Brigadier general *Townshend*, in his Dedication of the '*Plan of Discipline composed for the Militia of the* '*county of Norfolk*, affirms, that he has made some persons masters of that exercise 'in two or three 'mornings, so as to perform it with grace and spirit;' and that the common men learned it in 'seven or 'eight days time, some in less.'

The same gentleman complains heavily of the 'discouragements, slights, delays, evasions, and unnatural treatment' of the militia-act from those, whose duty it was to see it executed according to its intention. One would think the old militia law might have directed our government to avoid sending the militia out of their respective counties. This was always expressly guarded against, and was never to be done, but in the case of foreign invasion [a].

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[a] See Lord *Lyttelton*'s HIST. HEN. II. vol. III. p. 318.

The ſingle circumſtance of the national militia's being firſt ſettled by the great and good *Alfred*, ought to prejudice all friends to liberty in its favour. That able politician lord *Moleſworth* thinks a militia infinitely preferable to an army, both on the ſcore of ſafety from tyranny at home, and of invaſion from abroad. Judge *Blackſtone* [a] gives the preference to a militia. The *Poliſh* militia ſerve but 40 days in the year [b].

Queen *Elizabeth*'s whole reign may be almoſt called a ſtate of defenſive and offenſive war; in *England* as well as in *Ireland*; in the *Indies* as well as in *Europe*; ſhe ventured to go through this ſtate, if it was a venture, without the help of a ſtanding army. The people of *England* had ſeen none from the days of *Richard* II. and this cautious queen might perhaps imagine that the example of his reign and thoſe of other countries where ſtanding armies were eſtabliſhed, would beget jealouſies in the minds of her people, and diminiſh that affection, which ſhe eſteemed and found to be the greateſt ſecurity of her perſon, and the greateſt ſtrength of her government. Whenever ſhe wanted troops, her ſubjects flocked to her ſtandard; and her reign affords moſt illuſtrious proofs, that all the ends of ſecurity and of glory too may be anſwered in this iſland without the charge and danger of the expedient juſt mentioned. This aſſertion will not be contradicted by thoſe who recollect in how many places and on how many occaſions her forces fought and conquered the beſt diſciplined veteran troops in *Europe* [c].

[a] COMM. 1. 336.

[b] *Blackſt.* COMM. 1. 409.

[c] *Bolingbr.* REM. HIST. ENGL. 159.

The militia was eſtabliſhed by *Alfred*, and fell into decay under the *Stuarts*. A proof, that a militia is good, and ought to be kept up. The *Stuarts* were friends to ſtanding armies. A demonſtration, that ſtanding armies are dangerous. *James* II. at his acceſſion declared the militia uſeleſs; and demanded ſupplies for keeping an army, he was to raiſe [a]. It is well known what armies *Charles* I. raiſed, and in what bloody buſineſs he employed them. *Charles* II. had, at the beginning of his reign, about 5,000 men. Toward the end of his reign, the army was increaſed to near 8,000. *James* II. at the time of *Monmouth*'s rebellion, had on foot 15,000 men. At the prince of *Orange*'s arrival, 30,000 regular troops [b].

The command of the militia was only put in the hands of the crown, when the nation was in a ſtate of inſanity, and every man ready to lay down his head on a block, for the king [*Ch.* II.] to chop it off, if he pleaſed. As it is regulated by 30 *Geo.* II. c. 25, it remains too much on the ſame foot. For it is officered by the lord lieutenant, the deputy-lieutenants and other principal land-holders, under a commiſſion from the crown, which places it, as every thing elſe is, too much under the power of the court [c].

The firſt commiſſion of array is thought to have been in the times of *Hen.* V. When he went to *France*, *A. D.* 1415, he impowered commiſſioners to take an account of all the freemen in each county, who were able to bear arms, to divide them into companies, and to have them in readineſs for reſiſting the enemy [d].

[c] The

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[a] *Hume*'s Hist. Stuarts, II. 388.

[b] Ibid. 446. [c] See *Blackſt.* Comm. I. 411.

[d] *Hume*'s Hist. Stuarts, II. 321.

'The citizens, and country gentlemen ſoon be-'came excellent officers;' ſays Mr. *Hume*[a]. This ſhews what a militia may in a ſhort time be brought to. For what is a militia-man, but a ſoldier, engaged for a limited time, and leſs completely trained? And what is a ſoldier, but a militia-man completely diſciplined, and enſlaved for life? The principal part of a ſoldier is the heart; and that almoſt every *Briton* has by birth without training. A militia-man is a free citizen; a ſoldier, a ſlave for life. Which is moſt likely to ſhew the moſt courage and the greateſt attachment to his country?

'The militia—if it could not preſerve liberty to 'the people, preſerved at leaſt the power, if ever the 'inclination ſhould ariſe, of recovering it[b].'

'Againſt inſurrections at home, the ſheriff of every 'county has the power of the militia in him, and if 'he be negligent to ſuppreſs them with the *poſſe comi-'tatus*, he is fineable. Againſt invaſions from abroad, 'every man would be ready to give his aſſiſtance. 'There would be little need to raiſe forces, when 'every man would be ready to defend himſelf, and to 'fight *pro aris et focis*[c].' What would this honeſt man have ſaid, if he had been told, that the time would come, when it would be called neceſſary to keep up a ſtanding army in this free country, ſurrounded with the ocean, in peace as well as war, to the formidable number of above 40,000, a number ſuperior to that with which *Alexander* conquered the world?

Why muſt the *Britiſh* ſoldiery be enſlaved for life, any more, than the ſailors on board the navy? Were

[a] Hist. Stuarts, i. 360. [b] Ibid. i. 70.

[c] *Whitelocke*'s ſpeech on the militia. Parl. Hist. x. 278.

the militia put upon a right foot, the ſame individuals might ſerve either by ſea or land, during a certain ſhort period, and then return to their reſpective ſtation. I know the court-ſycophants will object to this, That a ſoldier requires a great deal of training and reviewing, before he comes to have the cool courage neceſſary in action, &c. But this is all pretence. We hardly ever have had, or can have occaſion for any ſoldiery. Our wars with *France* in old times are now by all parties confeſſed to have been merely the loſs of ſo much blood and treaſure without poſſibility of advantage to this iſland. And our continental wars ſince the Revolution we have been drawn into chiefly by the unfortunate circumſtance of our having on our throne a ſet of princes connected with the continent. There is no advantage we have ever gained by war, which would not have been greater, and coſt us incomparably leſs, if we had kept to the ſea. For we never can have a nation for our enemy that is not commercial, and we can certainly at any time force a commercial nation to yield to reaſonable terms by attacking their commerce, their foreign ſettlements, their coaſt-towns, their fiſheries, &c. And by ſea we may always command the ſuperiority. For every *Briton* is born with the heart of a ſoldier and a ſailor in him; and wants but little training to be equal on either element, to any veteran of any country. Accordingly we never hear of the common men, in either ſervice, ſhewing any appearance of cowardice.

'Immediately after the mutiny bill had paſſed the 'lower houſe, Mr. *Thomas Pitt*, elder brother of Mr. '*William Pitt*, then paymaſter general, moved, on the '9th of *March*, 1749, for leave to bring in a bill 'to limit reſpective times, beyond which no non-'commiſſioned officer or ſoldier, now, or who hereaf-

'ter

'ter may be such in his majesty's land-service, shall be 'compelled to continue in the said service. The 'motion was seconded by Sir *Francis Dashwood*; but 'very poorly supported in numbers. And at last, on 'the 19th of *April*, it was, upon a division of 139 'against 82, put off for two months, so that it was 'no more heard of. Had this limitation taken place, 'such a rotation of soldiers would have ensued among 'the common people, that in a few years every peasant, 'labourer, and inferior tradesman in the kingdom 'would have understood the exercise of arms; and 'perhaps the people in general would have concluded, 'that a standing army, on whose virtue the consti-'tution of *Great Britain* seems to depend, was altoge-'ther unnecessary [a].'

Those incendiaries who go about to destroy our constitution, have not blushed in the same breath to admit, that standing armies have been generally the instruments of overturning free governments, and to affirm that a standing army is necessary to be kept in ours; if you ask them against whom, they answer you very frankly, against the people; if you ask them why, they answer you with the same frankness, because of the levity and inconstancy of the people. This is the evil; an army is the remedy. Our army is not designed, according to these doctors of slavery, against the enemies of the nation. We are confident that the present army is incapable of being employed to such purposes, and abhors an imputation which might have been justly cast on *Cromwell*'s army, but is very unjustly insinuated against the present [b].

The great and good lord *Russel* was accused, among other things, of intending to seize and destroy the king's guards.

[a] *Alm.* Deb. Com. iii. 335.

[b] *Bolingbr.* Rem. Hist. Engl. 273.

The king's guards! (ſays Sir *Robert Atkins*, in his defence of lord *Ruſſel*, p. 359.) What guards? Whom does the law underſtand or allow to be the king's guards for the preſervation of his perſon? Whom ſhall the court, that tried this noble lord, whom ſhall the judges of the law, that were then preſent, and upon their oaths, whom ſhall they judge, or legally underſtand, by theſe guards? They never read of them in all their law books. There is not any ſtatute law that makes the leaſt mention of any guards. The law of *England* takes no notice of any ſuch guards: and therefore the indictment is uncertain. The king is guarded by the ſpecial protection of almighty God, by whom he reigns, and whoſe vicegerent he is. He has an inviſible guard of glorious angels.

Non eget Mauri jaculis nec arcu;
Nec venenatis gravida ſagittis.
(Crede) Pharetra. HOR.

The king is guarded by the love of his ſubjects. The next under God, and the ſureſt guard. He is guarded by the law and courts of juſtice. The militia and the trained bands are his legal guard, and the whole kingdom's guard. The very judges that tried this noble lord, were the king's guards, and the kingdom's guards, and this lord *Ruſſel*'s guard againſt all erroneous and imperfect indictments, from all falſe evidence and proof, from all ſtrains of wit and oratory miſapplied and abuſed by council. What other guards are there? We know of no law for more; king *Hen.* VII. of this kingdom (as hiſtory tells us) was the firſt that ſet up the band of penſioners: ſince that the yeomen of the guard: ſince them certain armed bands, commonly now-a-days (after the *French* mode) called the king's life-guard, rid about, and appeared with naked ſwords

ſwords to the terror of this nation; but where is the law? where is the authority for them?

It had been fit for the court, that tried this noble lord on this indictment, to have ſatisfied themſelves from the king's council, what was meant by theſe guards; for the alledging and ſetting forth an *overt fait*, or open deed, in an indictment of treaſon, muſt be of ſomething that is intelligible by law, and whereof judges may take notice by law: and herein too, the indictment fails, and is imperfect.

Barillon writes to his court, that *James* II. intended to aboliſh the *militia* entirely, and to maintain the *army* with the money [a]. That both parliament and people diſliked this very much, but that the king would keep the troops on foot, whether parliament provided for them or not, knowing that without them he could gain his point by his army and connexion with the *French* king.

'It does our *Hen.* II. great honour, (ſays lord '*Lyttelton* [b]) that he was the firſt author of a regula-'tion for arming his whole people; for no prince, 'who deſired to govern tyrannically, would have 'thought of ſuch a regulation; nor could any coun-'try, in which ſuch a law was maintained, be either 'enſlaved by the crown, or much oppreſſed by the 'nobles. It ſeems indeed that the antient conſtitution 'of *England*, had always intended what this ſtatute of '*Hen.* II. enacted; as all freeholders were required by 'the common law of the land to aſſiſt in oppoſing 'and driving out invaders; but the want of care to 'provide the burgeſſes, and free ſocmen, who did not 'hold any fiefs by military tenures, with proper 'arms,

[a] *Dalrymp.* II. 169.

[b] LIFE HEN. II. III. 356.

'arms, rendered that obligation of little or no effect; 'whereas from this time, the whole community of 'freemen were bound to have in their own cuſtody, 'and tranſmit to their heirs, the uſual arms of a foot 'ſoldier, and thoſe who were worth 16 marks in 'chattles or rents, were to provide heavy armour, nay 'even thoſe who had but 10, were to furniſh them-'ſelves with ſcull-caps and habergeons of iron, toge-'ther with lances, and to leave them to their heirs.'

Harrington thinks, there ought, in a free country, to be no army, but a cavalry of the nobility and gentry, and an infantry of the commons.

See 13 *Edw.* I. cap. 6, for arming the people according to their poſſeſſions in lands[a]. In the Tower are the records of the militia grants for cuſtody of ſhires, cities, towns, ports, &c. See the militia acts 25 *Edw.* III. cap. 8.—13 *Ch.* II. cap. 6.—13 and 14 of the ſame, cap. 3.—15 of the ſame, cap. 4, &c[b]. There is in *Riley*'s PLAC. PARL. p. 458, an order, to the lord lieutenant of *Northamptonſhire*, 20 *Edw.* I. that all who have 40 *libratas terræ*, have military arms. This order was founded in reaſon. Whoever has property, ought to be in a condition to defend his property. In *England* the arms are in one ſet of hands, and the property in another.

Sir *Robert Cotton* being conſulted 3 *Car.* II. in a difficult ſtate of affairs, amongſt other things gave this advice at the council table[c]. 'There muſt be, to 'withſtand a foreign invaſion, a proportion of ſea and 'land forces. And it is to be conſidered, that no 'march

[a] STAT. AT LARGE, I. 120.

[b] Ibid. 11. *paſſ.*

[c] *Ruſhworth*, p. 469.

'march by land, can be of that ſpeed to make head 'againſt the landing of an enemy: then it follows, 'that there is no ſuch prevention as to be maſter of 'the ſea. For the land forces, if it were for an offen-'ſive war, the men of leſs livelihood, were beſt ſpared; 'and were uſed formerly to make ſuch wars *purga-'menta republicæ*, if we made no farther purchaſe 'by it. But for the ſafety of the commonwealth, the 'wiſdom of all times did never intruſt the public 'cauſe to any other than to ſuch, as had a portion in 'the public adventure. And that we ſaw in 1588, 'when the care of the queen and of the council did 'make the body of that large army no other than of 'the trained bands.' In the ſame advice to the king, he lets him know how the people reſented his keeping up an army in the winter, though we were then in war both with *France* and *Spain*. The words are theſe. 'The dangerous diſtaſtes to the people are not 'a little improved by the unexampled courſe, as they 'conceive, of retaining an inland army in winter 'ſeaſon, when former times of general fear, as in '1588, produced none ſuch; and makes them in 'their diſtracted fears conjecture idly, it was raiſed, 'wholly to ſubject their fortunes to the will of power, 'rather than of law, and to make good ſome farther 'breach upon their liberties and freedoms at home, 'rather than to defend us from any force abroad.'

Queen *Mary*, (*William* being in *Holland*) on the alarm of an invaſion from the *Pretender*, gives orders to put the militia in readineſs. Trained bands of the cities of *London* and *Weſtminſter*, to the number of 10,000, under command of the lord-mayor, were drawn out. The queen goes to ſee them; was pleaſed with their activity and loyalty [a].

The

[a] *Tind.* CONTIN. 1. 200.

The two remarkable victories gained by the ruffian rebels, *A. D.* 1745, over the king's troops, ſhew that a militia is not ſo contemptible as the friends of a ſtanding army affect to think it [a].

'Though neither commanders, nor men, of the 'New-England militia, who took *Louiſburgh*, *A. D.* '1745, had ever ſeen any military ſervice; though the 'ground between the place of landing and the town 'was boggy, unequal, and almoſt impaſſable; though 'the town was defended by ſeveral batteries, particu-'larly one of 35 cannon of 42 pounds each, a draw-'bridge, and circular battery of 16 guns, of 24 pounds 'each, and at the mouth of the harbour, a battery of '34 guns, 42 pounders; though the walls, ramparts, 'and baſtions mounted 64 guns, and though there 'were in the place 10 mortars of 13 inches caliper, 'and ſix of nine inches, and a garriſon of 1200 'regulars; thoſe militia-men proceeded with all the 'regularity and intrepidity of veterans, and took the 'place accordingly [b].'

In the year 1749, the number of ſailors voted, was 1500, at the ſame time that the land forces were to be 18,857. It would have been more natural to imagine that parliament would vote the large number for the ſea ſervice, and the ſmall one for the land. Accordingly Mr. *Nugent* obſerved, that it ſeemed as if thoſe who draw up the eſtimates, had meant them for *France*, and not for *England* [c].

Mr. *Thornton* moved, *A. D.* 1751, to bring in a bill to make the militia more uſeful. He ſaid he had ſearched into the cauſes that rendered the militia weak and

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[a] See CONTIN. *Rap.* IX. 181, and 222.

[b] Ibid. 160.

[c] *Alm.* DEB. COM. IV. 8.

and contemptible, and the remedy would not be either difficult or tedious. He ſaid the militia laws had been ſpoiled by deſign, that ſome villainous clauſes had been artfully intruded into them, which were previouſly known to be ſuch as would render them entirely uſeleſs. But a well conſtituted militia in the year 1745 would have ſaved the nation 3,000,000 *l.* and tho' it might coſt the nation 10,000 *l.* a year, and there ſhould be occaſion to uſe it but once in thirty years, which was the ſpace between the two laſt rebellions, we ſhould then have had that ſervice for 300,000 *l.* which has coſt us 3,000,000 *l.* and that it was evident, that leſs labour would be loſt by 200,000 militia, who would immediately return to their work, ſuppoſing that two days only in a month were ſet apart for their exerciſe, than by 20,000 regular troops, who conſider every ſpecies of induſtry as incompatible with their ſtation, or their duty [a].

The bill was ordered to be committed.

In the year 1756 was publiſhed a collection of 43 addreſſes to the king, and inſtructions to members of parliament, from *London*, *Briſtol*, and many counties, &c. complaining of the loſs of *Minorca*, and other miſcarriages, occaſioned in great meaſure by the want of a *militia*, to ſecure the mother-country, which would have allowed ſending out a ſufficient force to defend *Minorca*, &c. In 34 of the addreſſes a *militia* is recommended. Yet that ſtaunch old Whig the duke of *Newcaſtle* continued an enemy to the militia, and was the laſt to come into it.

Lord *Orford*, *A. D.* 1757, ſet the example to the kingdom by giving orders for putting the militia act in execution [b].

A. D.

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[a] *Alm.* DEB. COM. v. 19-25-29.

[b] *Rapin*, CONTIN. IX. 559.

A. D. 1759, an alarm being brought to *England* of 3000 hands being at work upon flat-bottomed boats, and other preparations in *France* for an invaſion, the government expedited the raiſing of the militia, which before went on but heavily [a]. The king reviewed that of *Norfolk*, and expreſſed high ſatisfaction with them. Some thought the militia then no way inferior to regulars.

And we all remember what conſternation we were in, *A. D.* 1756, when our enemies over-ran almoſt all our colonies, when we loſt *Minorca*, *Oſwego*, &c. becauſe we were afraid to ſend men to their defence, and diſgraced ourſelves in the eyes of all *Europe* by importing foreigners to ſecure us againſt the flat-bottomed invaſion, we pretended to apprehend from *France*. A well-appointed militia would, at both thoſe periods, have ſaved the nation's honour.

In the year 1759, king *Geo.* II. ſent a meſſage to both houſes, to notify, that he had information of a deſigned invaſion from *France*, 'to the end, that his majeſty may (if he ſhall think proper) cauſe the militia, or ſuch part thereof as ſhall be neceſſary, to be drawn out, and embodied, and to march as occaſion ſhall require [b]. The peers thanked the king for 'his in-'tention to call out and employ the militia, if neceſ-'ſary,' &c. and the commons reſolved, 'that an 'humble addreſs be preſented to his majeſty to give 'directions to the lieutenants of counties for carrying 'the militia act into execution.'

Many remember what a condition we were in *A. D.* 1745, when a handful of highland ruffians penetrated to

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[a] *Tind.* CONTIN. IX. 580.

[b] LOND. MAG. *June*, 1759, p. 296.

to the very centre of *England*, and filled the whole nation with terror and diſmay.

'That ſix or ſeven thouſand men unprovided with 'horſes, with magazines, and many of them with 'arms, ſhould march from the extremities of *Scotland* 'to within eighty miles of *London*, through a country 'that abhorred their manners, and deteſted their cauſe; 'and that they ſhould return to *Scotland* without loſing 'above fifty men by death or deſertion, is next to in-'credible. Upon their return, they were guilty of 'many exceſſes in plundering the inhabitants of the 'country, which they had forborne when they 'marched into *England*. This was owing to the 'chagrin they had conceived at their diſappointment; 'yet they were not accuſed of being ſanguinary to the 'people of the country, though it was ſaid in the 'ſkirmiſh at *Clifton* ſome of them called out to give no 'quarter to the king's troops. But their ſucceſs in 'a great meaſure may be accounted for by the diſſimi-'larity of manners between them and their enemies. 'Bred up in hardy, active, and abſtemious courſes of 'life, they were always prepared to march, and never 'at a loſs for accommodation or proviſion: they were 'devoted to enthuſiaſm to the cauſe they were engaged 'in, and they thought no crime was equal to the diſ-'obedience of the commands of their leaders, who, 'during their march into *England*, ſought all means to 'conciliate the minds of the people to their intereſt. 'The common people of *England*, on the other hand, 'having been long uſed to pay an army for fighting 'for them, had at this time forgot all the military 'virtues of their anceſtors. The militia, therefore, 'was uſeleſs, and few but thoſe who regularly en-'tered into the ſervice of the government choſe in 'their own perſons to venture any thing againſt the

'rebels. They depended upon the army for their protection, and it was found by experience that the unwieldy motions of the regulars gave their enemies a vaſt advantage, by rendering it next to impoſſible to come up with them. This was the real cauſe of their performing ſuch amazing marches with ſo little loſs; and of their being able to hold out ſo long againſt ſo great a ſuperiority of numbers and diſcipline [a].'

'Why may not a militia be made uſeful [b]? Why may not the nobility, gentry and freeholders of *England* be truſted with the defence of their own lives, eſtates, and liberties, without having guardians and keepers aſſigned them? And why may they not defend theſe with as much vigour and courage as mercenaries who have nothing to loſe, nor any other tie to engage their fidelity, than the miſerable ſixpence a day, which they may have from the conqueror? Why may not a competent number of firelocks be kept in every pariſh, for the young men to exerciſe with on holy days, and rewards offered to the moſt expert, to ſtir up their emulation? Why may not a third part of the militia be kept up by turns in conſtant exerciſe? Why may not a man be liſted in the militia till he is diſcharged by his maſter, as well as in the army till he is diſcharged by his captain? And why may not the ſame horſe be always ſent forth, unleſs it can be made appear he is dead or marred? Why may not the private ſoldiers of the army, when they are diſperſed in the ſeveral parts of the kingdom, be ſent to the militia? And why may not the inferior officers of the army in

[a] *Tind.* CONTIN. IX. 212.

[b] *Alm.* DEB. COM. III. 53.

'in some proportion command them? I say, these 'and other like things may be done, and some of 'them are done, in our own plantations, and the 'islands of *Jersey* and *Guernsey*; as also in *Poland*, '*Switzerland*, and the country of the *Grisons*, which 'are nations much less considerable than *England*, 'have as formidable neighbours, no seas, nor fleet to 'defend them, nothing but a militia to depend upon, 'and yet no one dares to attack them. And we have 'seen as great feats done formerly by the apprentices 'of *London*, and in the war by the *Vaudois* in *Savoy*, and '*Miquelets* in *Catalonia*, and the militia in *Ireland*, as 'can be paralleled in history. And so it would be with 'us, if the court would give their hearty assistance 'in promoting this design; if the king would appear 'in person at the head of them, and give rewards 'and honours to such as deserve them, we should 'quickly see the young nobility and gentry appear 'magnificently in arms and equipage, shew a generous 'emulation in outvying one another in military exer-'cises, and place a noble ambition in making them-'selves serviceable to their country. They object, 'that such a militia as this is a standing army, and 'will be as dangerous and much more chargeable. 'I answer, That there can be no danger from an 'army, where the nobility and gentry of *England* are 'the commanders, and the body of it made up of the 'freeholders, their sons and servants; unless we can 'conceive that the nobility and gentry will join in 'an unnatural design to make void their own titles to 'their estates and liberties; and if they could enter-'tain so ridiculous a proposition, they would never 'be obeyed by the soldiers, who will have a respect 'to those that send them forth, and pay them, and 'to whom they must return when their time is ex-

'pired. For if I find a man, I will as ſurely chuſe 'one who will fight for me, as a mercenary officer 'will chuſe one, that will. And the governments of 'king *Charles* II. and king *James*, are witneſſes to the 'truth of this, who debauched the militia more than 'ever I hope to ſee it again, and yet durſt never rely 'upon them to aſſiſt their arbitrary deſigns, as we 'may remember, at the duke of *Monmouth*'s invaſion; 'their officers durſt not bring them near his army for 'fear of a revolt. Nay, the penſioned parliament 'themſelves turned ſhort upon the court, when they 'expected to give them the finiſhing ſtroke to their ruin.'

'I do not think our conſtitution and liberties will 'ever be abſolutely ſafe, until we return to our 'ancient method, of making military exerciſes the 'diverſion and amuſement of all ranks of men, and 'of making it the cuſtom or faſhion for all laymen, 'at leaſt, to breed themſelves up to arms and military 'diſcipline; and if we can accompliſh this, I believe 'it will be granted, we ſhould then have no occaſion 'for a ſtanding army, or for keeping a greater number 'of regular troops in continual pay, than was neceſ-'ſary for the grandeur and perſonal ſafety of our king 'and royal family [a].'

'This ſtrength' [ſays lord *Lyttelton*, *viz.* of the national militia, when all the gentry were ſoldiers, paid and maintained by the lands they held] 'could 'never fail, as that of a mercenary army muſt at 'ſometimes, by the wealth of the ſtate being con-'ſumed and exhauſted, but continued as fixed as 'the lands diſpoſed of in this manner, and ever 'ready to oppoſe either foreign invaders, or in-'teſtine rebellion. I may add too, that it was equally 'fitted to reſiſt any tyranny in a king, being wholly 'com-

[a] Deb. Lords, v. 308.

'compoſed of thoſe men, who, by their property in 'the realm, and their rank in the ſtate, were moſt 'intereſted to guard the liberties of the ſubject againſt 'the crown [a].' The noble author adds, that though every landholder's being a ſoldier gave the barons frequent opportunity of diſturbing the peace, yet 'it 'was no eaſy matter for any of them to exerciſe their 'tyranny long, without being checked—whereas in 'abſolute monarchies' [which cannot ſubſiſt in countries where the people of property are armed] 'the 'conſtitution affords no remedy againſt the deſpotiſm 'of the prince.' A ſtrong recommendation of a militia!

Mr. *Thornton*, *A. D.* 1751, made the following remarks in the houſe of commons [b].

'I muſt not omit to take notice that the militia 'laws have been oppoſed by deſign; ſome villainous 'clauſes having been artfully intruded into them, 'which were previouſly known to be ſuch as would 'render them entirely uſeleſs. As this cannot be 'denied, I perſuade myſelf, that after a very little 'reflection, every gentleman preſent will concur in 'my opinion, that ſome alteration is neceſſary with 'reſpect to our militia, either to commence now, or 'at a more convenient ſeaſon; or, at leaſt, at the 'eve of a commotion, when their aſſiſtance ſhall be 'wanted to ſurmount the danger which we would 'not prevent. If our militia is not to be frequently 'exerciſed, let there be ſome law, by which it may 'be more effectually raiſed. Let us no longer ac-'knowledge the importance of a militia in the pre-'amble of many of our ſtatutes, yet render this very

[a] Lord *Lyttelt*. HIST. HEN. II. III. 95.
[b] *Alm*. DEB. COM. V. 20.

'militia ineffectual by ſuffering ſuch deſtructive clauſes 'to remain, as will reduce the ſtatute itſelf to a mere 'form of words, and a dead letter, to the aſtoniſhment 'of other nations, and the diſgrace of our own. Let 'us, Sir, repeal all the preſent laws concerning the 'militia; we ſhall then evidently perceive our naked-'neſs, and in what a defenceleſs ſtate they will leave 'us. Let us no longer be amuſed with the appearance 'of a ſecurity, which they cannot give; nothing 'more, ſurely, than the diſcovery of our danger, is 'neceſſary to put us immediately upon our guard; 'nothing more is neceſſary to determine us to enact 'laws which ſhall be in effect what the preſent laws 'are only in form; and I hope we ſhall, upon this 'occaſion, remember the great maxim of *Coſmo de* '*Medicis*, from whom *Machiavel* derived all his po-'litical knowledge; Defer not till to-morrow what 'can and ought to be done to-day. A regulation, 'Sir, by which our country is to be defended againſt 'ſuperſtition and ſlavery, againſt the fury of an in-'vaſion, or the rapine of rebellion, requires the moſt 'mature and diſpaſſionate deliberation. Shall we, 'therefore, defer this regulation, till we hear the drum 'of an enemy beat to arms? Shall we defer it till 'every heart throbs with apprehenſion, and every mind 'is confuſed with anxiety and terror? Till impatience 'for obtaining the end ſhall cauſe us to miſtake the 'means? Till a time when an hypocritical zeal for 'the ſafety of the public taking advantage of the 'confuſion, ſhall bring us into greater danger? Were 'not the very clauſes that have emaſculated our ſta-'tutes relating to the militia introduced in the time of 'public and imminent danger, by deſigning men, 'who under a pretence of increaſing our ſecurity, 'took away what ſecurity we had?

'Let

'Let us then in this interval of tranquillity, when 'the mind is at leiſure to examine and chooſe, ſet 'about changing theſe ruinous clauſes for ſuch as will 'be quite proper. Let us now eſtabliſh our ſafety 'upon a firm foundation, by paſſing ſuch a law as 'will furniſh this country with a militia equally 'effective, more eaſily raiſed, and maintained at a leſs 'expence than that of any other nation in the world; 'let us no longer truſt our liberty and our lives, our 'religion, our country and our poſterity, to a merce-'nary army, that has no motive to defend us, but its 'pay, and no concern for our liberties, becauſe they 'have given up their own.

'If it ſhould happen, Sir, that a large military 'force ſhould ſuddenly be wanted at a time when the 'parliament is not ſitting, and his majeſty is abroad, 'how is it to be ſupplied? Will not the waiting for 'an act of parliament produce the moſt dangerous 'delay? And will not the ſame inconveniences follow, 'that happened in the year 1745? Inconveniences, 'which we now feel, and which will probably be long 'felt by our poſterity. A well conſtituted militia, 'Sir, at that time, would have ſaved the nation '3,000,000 *l.* and if it be admitted that ſuch a militia 'would be attended with an annual expence to the 'whole nation of 10,000 *l.* and that there ſhould be 'occaſion to uſe it but once in thirty years, which is 'the ſpace between the two laſt rebellions, we ſhould 'then have that ſervice for 300,000 *l.* which has coſt 'us 3,000,000 *l.* and conſequently ſave (which would 'be good œconomy, inſtead of ſuperfluous expence) '2,700,000 *l.* upon the balance. Beſides, thoſe whom 'the want of this force might encourage to interrupt 'our tranquillity, may be deterred from their attempt 'by obſerving that a new regulation hath rendered us

'sufficiently formidable. To prevent is certainly 'ſtill better than to cure. Theſe conſiderations, Sir, 'appear ſo formidable to me, that I cannot think any 'gentleman will continue to oppoſe, or even on any 'account to delay the meaſure which they have induced 'me to undertake and recommend. But, Sir, leſt any 'gentleman ſhould doubt whether this meaſure be 'practicable, I ſhall obſerve, that the eſtabliſhment of 'a militia in any country, where the people are nume-'rous and induſtrious, is not only practicable, but 'eaſy. *Switzerland* and *Germany*, which are poor 'countries, thinly inhabited, have their militia, not-'withſtanding the people muſt be neceſſarily diſſipated 'by the great extent of the lands which they cultivate. 'And is a militia impoſſible in *England?* A country 'that is remarkable for its fertility, and crouded with 'men, where a few acres afford a plentiful ſubſiſtence, 'and almoſt every pariſh could furniſh a regiment. 'If it be objected, that this militia cannot be exerciſed 'without taking the huſbandman or the manufacturer 'from his labour, a circumſtance which cannot but 'be hurtful to a trading nation; I anſwer, our militia 'may be exerciſed on holidays, according to the practice 'in *Switzerland*; but ſuppoſing that two days in a 'month were to be ſet apart for this purpoſe, it is 'evident that leſs labour would be loſt by 200,000 'militia, who would immediately return to their work 'from their exerciſe, than by 20,000 regular troops, 'who conſider themſelves as gentlemen ſoldiers, and 'every ſpecies of induſtry as incompatible with their 'ſtation, and indeed with their duty. I would not, 'however, be thought an advocate for the total re-'duction of the army. I know that an army is 'neceſſary, that there muſt be guards and ſome troops, 'at our garriſons, in *Gibraltar* and *Port Mahon*, and a

'ſufficient

'sufficient number of regular forces in *Ireland*, the 'iſlands of *Scotland* and the *Weſt-Indies*. But I think 'ſuch a reduction of the army is expedient, as 'would cauſe a ſaving equivalent to the expence of '260,000 militia, and that enough would ſtill remain 'for the above ſervices. This number, Sir, of '260,000 for the militia was our ancient contingent; 'and as they are diſperſed through the ſeveral counties of 'this iſland, will effectually repreſs, if not prevent any 'invaſion from abroad, and quell every diſturbance 'that may be fomented at home. They will be 'always ready in every part of the kingdom to aſſiſt 'the civil power, as well as to protect our coaſts from 'inſult; coaſts of ſuch extent, that if the preſent 'ſtanding army was doubled, it would not be able to 'ſecure the iſland from being plundered in ſome part 'or other, by the daring crew of a buccaneer, or a 'deſperate aſſociation of ſmugglers. And as it is our 'coaſt that principally makes a military force of any 'kind neceſſary, what muſt be our ſituation, when 'without any force by which this coaſt can be ſecured, 'and with ſcarce a fortified place in the kingdom, we 'are not able to bring together 6000 men for the 'defence of the capital, upon a ſudden and unexpected 'attack? The marſhals *Belleiſle* and *Saxe* both re-'marked, that we muſt be eaſily over-run; and it is a 'common ſaying among the *French*, that *England* 'would be only a breakfaſt:' [But then the *French* muſt give up the troops they ſend againſt us; becauſe our fleet would effectually cut off their retreat:] 'And 'I ſhould be ſorry if they ſhould put us to prove the 'contrary, before we have a militia eſtabliſhed. Need 'we have a better hint, or ſtronger motive to provide 'for our ſafety? *Fas eſt ab hoſte doceri:* As to the 'difficulty of reforming our militia, if it be ſaid that

'experiment is againſt me, and that experiment is 'ſtronger than argument; if it be alledged that former 'attempts to eſtabliſh a militia have been ineffectual, it 'needs only to be conſidered by what means theſe at-'tempts have been made. They were made in conſe-'quence of thoſe very ſtatutes which being perverted 'from their primary intentions are evidently *felo de ſe*; 'ſo that the militia, which was deſigned to be a regular 'and well-diſciplined body, is degenerated into a mere 'mob: But even this mob has been known to do good 'ſervice. I will not treſpaſs, Sir, upon the indulgence 'of the houſe by proving ſelf-evident propoſitions: It 'is ſufficient only to ſtate them. It is of abſolute 'neceſſity we ſhould have a military force ſufficient to 'defend eleven millions of people, and it is acknow-'ledged on all hands that our preſent force is not 'ſufficient. There are but three ways by which this 'deficiency can be ſupplied; firſt, by a regular army 'of mercenaries; ſecondly, by foreign auxiliaries; 'thirdly, by a militia. A regular army of mercenaries 'we can neither afford to pay for living in idleneſs, nor 'ſpare from the trades in which they would be other-'wiſe employed. The hiring of auxiliaries is attended 'with equal expence, and is yet leſs to be depended 'upon: For they who may be engaged to ſupply 'auxiliaries to us, may, when we want them, be 'ſcarce able to defend themſelves, as was the caſe in 'the unhappy year 1745. Auxiliaries may be bought 'off by our enemy at the very minute we want them, 'or ſent under reſtrictions, which will render them 'wholly unſerviceable. There needs not indeed any 'argument to prove a meaſure to be impolitic, which 'has already incumbered us with debts, that it is ſcarce 'poſſible we ſhould pay, and has reduced our neigh-'bours, the *Dutch*, into yet more deplorable poverty

'and

'and distress. A militia, which would defend us by 'men of property, whose interest is involved in that of 'their country, and who would only circulate their 'pay, and not carry it abroad, must be our only re- 'source. Such a militia, Sir, has been rejected by 'those who have had the management of this unhappy 'country, who have, for reasons best known to them- 'selves, squandered the public treasure in vain attempts 'to obtain from foreign and domestic mercenaries what 'a militia only can supply, [the duke of *Newcastle*, 'the importer of 12,000 *Hessians* and *Hanoverians*, '*A. D.* 1756.] Let us then interpose in the behalf 'of an injured nation; let us once more connect 'the civil and military power, and direct their united 'efforts to the same end. This, as it will give 'us strength at home, will give us reputation abroad. 'This is advised by *Machiavel*, as the surest means of 'national greatness: This was successfully practised 'by the *Spartans* and *Romans* of old, the *Goths* and 'ancient *Germans*; and this is now the glory of the '*Swiss*, a nation which, however inconsiderable in its 'extent, no ambitious power has dared to molest. I 'therefore humbly move, that leave may be given to 'bring in a bill for the good purpose that I have 'mentioned.'

In the year 1758, the ministry pretended to consider the militia as capable of real service. For we find in that year a message from the king by Mr. *Pitt*, That he is informed of a *French* invasion, and may perhaps have occasion for the militia. The commons return thanks for the information, and address the king to give orders to the lieutenants of counties to use their utmost diligence in ordering the militia [a].

[a] *Alm.* Deb. Com. v. 237.

CHAP. IV.

Parliamentary Tranſactions, Speeches, &c. relating to the Army.

THE commons, *A. D.* 1673, vote the ſtanding army a grievance, and were going to addreſs the king againſt it. The king ſuddenly goes to the houſe of peers to prorogue the parliament. The lords, according to their ſlaviſh cuſtom, haſten to attend him. The commons ſhut their door, and kept black rod out, till they vote the alliance with *France*, evil counſellors about the king, ſtanding army, and duke of *Lauderdale* grievances [a].

The commons addreſs the king againſt *Lauderdale* on account of the army in *Scotland*, raiſed at *Lauderdale*'s inſtance, which was to be ready to enter *England* on command from the privy council, and for openly affirming in council, that the king's edicts are equal to laws [b].

It was obſerved in parliament, *A. D.* 1674, 'That 'neither our anceſtors, nor the people of any country, 'free, like ours, whilſt they preſerved their liberties, 'did ever ſuffer any mercenary or ſtanding guards 'around their prince; but choſe that his ſafety ſhould 'be in them, as theirs was in him.'

A motion was made, *A. D.* 1717, for a ſupply for maintaining the army. Oppoſed by *Shippen*, *Windham*, *Walpole*, jacobites and diſcontented whigs together. The ſame *Walpole* afterwards kept up a more numerous army than 18,000, of which number he complains heavily here [c].

All

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[a] Deb. Com. i. 185. [b] Ibid. 207.
[c] Ibid. vi. 154.

All the arguments in favour of a ſtanding army, Mr. *Shippen* ſaid, were reducible to two propoſitions. 1. 'That the only danger of continuing the ſtanding 'army is the expence of it. 2. That we ought to 'comply with the number of forces propoſed, becauſe 'it is demanded by the king, who is the beſt judge of 'our neceſſities.'

He ſaid, 'it was very extraordinary, that the ex-'pence ſhould be thought the only danger, for that 'was not the chief argument againſt a ſtanding army; 'but the chief argument was, that the civil and 'military power could not long ſubſiſt together; that 'a ſtanding army in time of peace would neceſſarily 'impede the free execution of the laws of the land.

'It is the infelicity of his majeſty's reign, that he 'is unacquainted with our language and conſtitution, 'therefore it is incumbent on his miniſters to 'inform him, that our government does not ſtand on 'the ſame foundation with his *German* dominions. 'That a ſtanding army ſuppoſes not only a diſtruſt, 'but weakneſs in the government; and therefore could 'not promote his majeſty's ſervice.' He ſaid, 'ſome 'of the freeſt and braveſt people in *Europe* had, by 'this method, loſt their liberties. The civil power 'was drawn in from time to time, by pretended 'exigencies, to allow and maintain an armed force in 'peace; but they found they had erected a power 'ſuperior to themſelves; that the ſoldiery, when 'they had taſted the ſweets of authority, would not 'part with it; and that even their princes began to 'think, that ruling by an army was a more compen-'dious way of government, than acting under the 'reſtraints of law. And now they wear the chains, and 'lament the loſs of that freedom, which they con-'ſented to deſtroy.'

Mr.

Mr. *Shippen* ſaid, 'I know theſe aſſertions interfere with what is laid down in his majeſty's ſpeech; but we are to conſider that ſpeech as the compoſition and advice of his miniſtry, and are therefore at liberty to debate every propoſition in it; eſpecially thoſe, which ſeem rather calculated for the meridian of *Germany*, than of *Great Britain*.'

It was ſaid, the above words were highly diſhonourable to, and unjuſtly reflecting on, his majeſty's perſon and government; and therefore it was ordered, that *Wm. Shippen*, Eſq. be, for the ſaid offence, committed priſoner to the Tower.

'If the prince of *Orange*, (ſays *Trenchard* [a]) in his declaration, inſtead of telling us, that we ſhould be ſettled upon ſuch a foundation, that there ſhould be no danger of our falling again into ſlavery, and that he would ſend back all his forces as ſoon as that was done, had promiſed us that after an eight years war (which ſhould leave us in debt near twenty millions) we ſhould have a ſtanding army eſtabliſhed, a great many of which ſhould be foreigners; I believe few men would have thought ſuch a revolution worth the hazard of their lives and eſtates; but his mighty ſoul was above ſuch abject thoughts as theſe; his declaration was his own, theſe paltry deſigns are thoſe of our undertakers, who would ſhelter their own oppreſſions under his ſacred name. I would willingly know, whether the late king *James* II. could have enſlaved us but by an army, and whether there is any way of ſecuring us from falling again into ſlavery, but by diſbanding the army. It was in that ſenſe I underſtood his majeſty's declaration, and therefore did early take up arms

[a] Hist. Armies, p. 97.

'arms for him, as I shall be always ready to do. 'It was this alone which made his assistance necessary 'to us, otherwise we had wanted none but the 'hangman's.'

It is a common evasion of the advocates for the army, that we have only such a number, 12,000, or 20,000, in *England*, and that the rest are in *Ireland*, where they cannot annoy us, and are necessary there to keep the raw-head-and-bloody-bones-papists quiet. But neither is there any honest use for one regiment in *England* nor in *Ireland*, the people being, if only half disciplined, as able as the army both to keep the internal peace, and deter invaders; of which the histories of all the ages between *Richard* II. and *Charles* I. are vouchers; nor is the keeping an army in *Ireland* at all less dangerous to *British* liberty than in *England*. Hear Mr. *Trenchard*:[a] 'An army kept in *Ireland* is 'more dangerous to us than at home: For here, by 'perpetual converse with their relations and acquain- 'tance, some few of them perhaps may warp towards 'their country; whereas in *Ireland* they are kept as 'it were in a garrison, where they are shut up from 'the communication of their countrymen, and may 'be nursed up in another interest. It is a common 'policy amongst arbitrary princes often to shift their 'soldiers quarters, lest they should contract friendship 'among the natives, and by degrees fall into their 'interest.'

'When the duke *d'Alençon* came over to *England*, (says Mr. *Gordon*[b]) 'and for some time had admired 'the riches of the city, the conduct of queen *Eliza-* 'beth, the wisdom of her government, and the mag- 'nificence

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[a] Hist. Standing Armies, p. 88.

[b] Tracts, i. 26.

'nificence of her court; he aſked her, amidſt ſo much 'ſplendor, where were her guards? Which queſtion 'ſhe reſolved a few days after, as ſhe took him in 'her coach through the city, when pointing to the 'people (who received her in crowds with repeated 'acclamations) "Theſe, ſaid ſhe, my lord, are my 'guards; theſe have their hands, their hearts, and 'their purſes, always ready at my command." And 'theſe were guards indeed, who defended her through 'a long and ſucceſsful reign of forty-four years againſt 'all the machinations of *Rome*, the power of *Spain*, a 'diſputed title, and the perpetual conſpiracies of her 'own popiſh ſubjects; a ſecurity the *Roman* empe-'rors could not boaſt of with their prætorian bands, 'and their eaſtern and weſtern armies.'

'Were not the *French* as powerful, ſays Mr. *Gor-'don* [a], in *Charles* IId's and *James* Iſt's times, as they 'are in this long and deſtructive war, and with a 'weaker alliance to oppoſe them? And yet we then 'thought a much leſs army, than is now contended 'for, a moſt inſupportable grievance; inſomuch that 'in *Charles* IId's reign, the grand jury preſented them, 'and the penſion-parliament voted them to be a nui-'ſance, ſent Sir *Joſeph Williamſon* to the Tower, for 'ſaying, "the king might keep guards for the de-"fence of his perſon," and addreſſed to have them 'diſbanded. And now our apoſtates would make 'their court, by doing what the worſt parliament 'ever *England* ſaw, could not think of without 'horror.'

'Of 26 *Roman* emperors, 16 were depoſed and 'murdered by the ſoldiery. The *Turkiſh* ſultans are 'often maſſacred by the janizaries. The army under

'*Cromwell*

[a] TRACTS, I. 26.

'*Cromwell* expelled the parliament under which they 'had fought. Afterwards under *Monk* they deſtroyed 'the government they had ſet up, and brought back 'the *Stuarts*, whom they were raiſed to expel. '*Charles* II. wiſely diſbanded them, leſt they ſhould 'have ſent him a packing again. *James* IId's army 'joined the prince of *Orange*, who came over on pur-'poſe to exclude their worthleſs maſter, and all his 'race. What better can be expected from men of 'baſe principles, who call themſelves ſoldiers of for-'tune? Who make murder their profeſſion, and 'enquire no farther into the juſtice of the cauſe, than 'how they ſhall be paid; who muſt be falſe, rapa-'cious and cruel in their own defence. For having 'no other profeſſion or ſubſiſtence to depend upon, 'they are forced to ſtir up the ambition of princes, 'and engage them in perpetual quarrels, that they 'may ſhare of the ſpoils they make. Such men, 'like ſome ſort of ravenous fiſh, fare beſt in a ſtorm [a].'

Lord *Morpeth* moved, *A. D.* 1733, for an addreſs to the king to reduce the forces [b].

It was urged, that there was a great neceſſity to reduce the expences of the nation; [What was the neceſſity then compared with that of our times?] and that it might beſt be done by reducing the ſtanding army, which in time of peace was not neceſſary, but was abſolutely inconſiſtent with the liberties of the people.

To which it was anſwered, that they might as well addreſs the king to govern according to law; that it was inſinuating that the king did not take the firſt opportunity of reducing the army, and thereby leſſening

[a] *Gordon*'s TRACTS, I. 28.

[b] DEB. COM. VII. 272.

ing the public charge. Did not every body know, that the king did not wiſh to reduce the army; but, on account of his wretched electorate, wiſhed to keep foreign troops in pay, and a large army ready to fly to its defence, whenever it ſhould be attacked? We had accordingly at one time in our pay as follows:

Heſſians per ann.	£.	241,259
Sweden, -		50,000
Wolfenbuttel, -		25,000
Total, -	£.	316,259

The duke of *Marlborough* brought into the houſe of lords, the ſame year, a bill to prevent the officers of the army below the rank of colonels from being deprived of their commiſſions otherwiſe than by court martial, or addreſs of parliament[a]. This was intended for detaching military officers from all connection with and dependence on the miniſtry. Before the ſecond reading, many lords called out for the queſtion; the plain *Engliſh* of which is, Right or wrong, we are againſt this bill. Lord *Cheſterfield* checked them ſeverely. Lord *Hervey* ſaid, the bill was an open and direct attack on the royal prerogative, (of which elſewhere) and might overſet the conſtitution, &c. The truth is, that, ſuppoſing parliament itſelf under miniſterial influence, as it was then, and has been ſince (I do not ſay, that is, in our virtuous times, the caſe) it is of very little conſequence, whether the army be under miniſterial influence through the mediation of parliament or otherwiſe.

The

[a] Deb. Lords, iv. 186.

The bill of *A. D.* 1735, for quartering the army in time of elections [a], enacts, That, in order to the securing of the freedom of elections, the law of 3 *Edw.* I. be ſtill in force, which forbids on great forfeiture, any man's diſturbing the freedom of election by force, malice, or menacing; and that the ſecretary at war do give order for the removal, the day before, or ſooner, of every regiment, troop, &c. to the diſtance of at leaſt two miles from any place, where an election for the houſe of commons or *Scotch* peers is to be held; and to remain, till one day after the election; every officer diſobeying, to be caſhiered and incapacitated, beſides forfeiture; the king's life guards, the guards attending on any of the royal family, and the garriſons of forts and caſtles only excepted; and allowing liberty for military officers and ſoldiers, who have right of voting, to attend. As the bill was firſt drawn, the offenders were to be tried in the *King's-bench*; but that conſtant friend to liberty the duke of *Newcaſtle*, propoſed leaving out that clauſe, by which means the offending officers were to be left ſafe in the hands of the ſecretary at war, who generally having a good underſtanding with the miniſtry, would take care, that they ſhould not be too ſeverely puniſhed, though they ſhould ſtay, and take care of the miniſter's intereſt at an election; or in the words of one of the ſpeakers [b], 'if an officer ſhould 'bring his regiment, troop, or company, to the very 'place of election, and plant centries to attend the 'poll-books, he knows how he is to be tried; he is 'to be tried by his brother officers in a court martial; 'and I do not know, but their ſentence may be 'pleaded in bar to any future indictment brought

[a] Deb. Lords, iv. 460. [b] Ibid. 473.

'againſt him upon the ſtatute of *Edw.* I. for what 'interpretations may hereafter be put upon this laſt 'law, cannot now be ſo eaſily determined: And 'therefore I hope your lordſhips will paſs the bill in 'the ſame ſhape the learned judges have brought it 'in, unleſs ſome more convincing reaſon than any I 'have yet heard ſhould be given for turning it into 'a form very different from that in which it is at 'preſent.'

And the proteſting lords afterwards obſerved on this ſubject, 'That it was much more neceſſary, that 'officers and ſoldiers ſhould be ſubject to be tried by 'the civil power for an offence of this high nature 'againſt the conſtitution, than for quartering a man 'contrary to the method preſcribed by the act to pre-'vent mutiny and deſertion; for which crime they 'are at preſent liable to be tried and caſhiered by the 'civil magiſtrate.' They likewiſe obſerved, that the offence being againſt civil ſociety, came much more naturally under the cognizance of the civil magiſtrate, than of a court-martial, as a court-martial on the other hand, is more competent to try military offences, than the civil magiſtrate [a].

Afterwards another amendment, the wrong way, was made to the bill; by which the penalties, inſtead of being inflicted on the offending officers and ſoldiers, were to come upon the ſecretary at war, if he neglected to iſſue orders for the removal of the ſoldiery. Several lords proteſted, becauſe they conceived, that 'the 'leaving out of the clauſe would be defeating the effect 'and intention of the whole bill [b].'

In the debate about the land-forces, *A. D.* 1735 [c], it was argued by thoſe, who were for augmenting the forces

[a] Deb. Lords, iv. 485. [b] Ibid.
[c] Deb. Com. ix. 52.

forces to 25,744 men, that 'events *might* happen,' [ſo we are to be at a *certain* expence on account of what *might* happen] 'that the affair of *Poland*, the 'only bone of contention publicly owned, was what '*England* had little to do with; but if that *ſhould*' [what if it ſhould *not?*] 'appear not to be the real 'motive to war; or if ſucceſs *ſhould* [what if it ſhould *not?*] 'encourage either ſide to extend their views, 'the balance of power' [ay the bleſſed balance of power, containing in one ſcale the ineſtimable electorate, and in the other the inſignificant *Britiſh* empire] 'may, at laſt, be brought into real danger, and then, 'for the ſake of preſerving the liberties of *Europe*,' [why not the liberties of *Aſia?*] 'upon which the 'liberties of this nation will always depend, we muſt' [fight all the windmills on the continent] 'take a 'principal ſhare in the war.' In this *convincing* manner did the *Walpolians* in thoſe days argue for increaſing the ſtanding army. But whether it was not by arguments of greater *weight*, that they gained a majority in the houſe, is left to the reader. If the keeping up of a ſtanding army of 40,000 men was now to be debated in the houſe of commons, our courtiers would be puzzled to find arguments as plauſible as even the above drawn from *Poland*, and the bone of contention. It was obſerved by the oppoſers of the augmentation, that ſeveral of the princes of *Germany*, who were more immediately concerned, remained neutral, though they had, at that time, 'large armies 'unemployed, which would be all ſent to the *Rhine*, 'if they thought their country in any real danger, or 'that *France* had any deſign to impoſe an emperor 'upon them. While they remain ſo ſecure, while 'they give themſelves ſo little concern about the

'event of the war, why ſhould we be ſo terribly frighted[a]?'

The inſenſible operation of prejudice in the moſt ſincere, and intelligent minds, is very wonderful; and we cannot be too attentive to ourſelves to guard againſt it. The great and good duke of *Argyle*, in the debate, *A. D.* 1734, on the motion for addreſſing the king, to know, by whoſe advice the duke of *Bolton* and lord *Cobham* were removed from the command of their regiments, ſpoke as follows, without laughing; 'I 'hope, my lords, there are no gentlemen in the army, 'that ever were, or ever can be prevailed on, either 'to act or ſpeak contrary to their conſcience by the 'fear of their being turned out of their commiſſion. 'I hope, there never will be any ſuch in our 'army[b].' And afterwards[c], 'What ſignifies a prerogative, if the king is never to make uſe of it, without being obliged to give an account to parliament of 'his reaſons for ſo doing?'

'Without a preſumption, (ſays lord *Carteret*) that 'we are in circumſtances of danger, no member of 'this houſe can agree to the keeping up of a ſtanding 'army of 18,000 men, unleſs he thinks, ſuch an army 'ought to be kept up even when the nation is in the 'greateſt tranquillity and ſecurity; a way of thinking 'into which I hope no member of this houſe, nor any '*Britiſh* ſubject, ever will come: for if this ſhould 'ever be eſtabliſhed as a maxim, a ſtanding army of '18,000 men at leaſt, would become a part of our 'conſtitution[d].' [Which prediction we ſee fulfilled.]

Lord *Carteret*, on the rejection of the bill for making military officers independent on the miniſtry, moved

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[a] Deb. Com. ix. 56. [b] Deb. Lords, iv. 215.
[c] Ibid. 216. [d] Ibid. v. 239. *A. D.* 1738.

moved for an addreſs to know who adviſed the removal of the duke of *Bolton* and lord *Cobham* from their regiments, *A. D.* 1734[a].

The court lords ſaid, This was breaking in upon the king's, that is, the miniſter's royal prerogative. Lord *Bathurſt* anſwered, That it was the duty of the lords, as the king's hereditary counſellors, and was accordingly uſual for them, to deſire to be informed, who were the adviſers of ſuch exertions of the royal prerogative, as gave umbrage to themſelves, or the people. 'The army (he obſerved [b]) has really no dependence upon parliament. The king indeed depends upon parliament for a legal power to keep a ſtanding army in time of peace, and for enabling him to pay them and diſcipline them according to law; but if in any future time the parliament ſhould think it neceſſary to reduce a part of the army, and of conſequence make no proviſion for their pay, the reſolution of parliament could not break any one regiment, or any part of any one regiment in the kingdom; the officers might all legally continue in their reſpective commands, and if the king then upon the throne ſhould not think fit to break any of them, they might indeed then very probably think they had a good right to their pay, as long as they continued in commiſſion, and if they could not get it by law, they might probably join with the king in raiſing it contrary to law, eſpecially if he, foreſeeing what would happen, had taken care to model them for that purpoſe, which any king might ſoon do while the army continues upon the ſame footing it is on at preſent. And for this reaſon, my lords, I muſt be of opinion that all theſe

 'arguments

[a] Deb. Lords, iv. 207. [b] Ibid. 211.

'arguments which have been uſed for ſhewing us the 'danger of making an army independent, are ſo many 'arguments for ſhewing the danger of an army's being 'entirely dependent upon one branch only of our 'legiſlature, and conſequently are good arguments for 'the bill, which was deſigned to make the army not 'entirely dependent upon any one, but upon all the 'three branches of our legiſlature.'

A. D. 1740, near forty lords proteſted againſt an augmentation of the army, becauſe nothing leſs than abſolute neceſſity ſhould prevail for that purpoſe; becauſe the miniſtry had made but an indifferent uſe of the great forces employed in the late war; becauſe the pretence of diſaffection to government, rendering a great army neceſſary, was groundleſs; [there was much diſſatisfaction with the conduct of the miniſtry; but that was to be removed by correcting the errors of government, not by keeping up a formidable and odious ſtanding army] becauſe the army then on foot, with the fleet, was ſufficient to ſecure the kingdom againſt invaſion; becauſe our allies might be better aſſiſted by us with money, than with men; becauſe *France* is no example for *England*, the forms of government in the two countries being totally different; becauſe adding to the number of officers is increaſing the power of the miniſtry already too great, eſpecially on the eve of a general election, which might give an incurable wound to the conſtitution; becauſe the number of officers in parliament was continually increaſing, and that the miniſtry expect officers to promote their ſchemes in parliament, appeared from a recent fact, viz. that the four eldeſt officers of the army were lately diſplaced, without any crime having being alledged againſt them; and miniſterial arts in parliament, can alone deſtroy the eſſence of

the conſtitution, and open violence alone, the forms of it [a].

There is no end to the evils of a ſtanding army. 'In this diſcourſe (ſays Mr. *Gordon*) I have purpoſely 'omitted ſpeaking of the leſſer inconveniencies attend-'ing a ſtanding army, ſuch as frequent quarrels, 'murders, and robberies; the deſtruction of all the 'game in the country, the quartering upon public, 'and ſometimes private houſes; the influencing elec-'tions of parliament, by an artificial diſtribution of 'quarters; the rendering ſo many men uſeleſs to 'labour, and almoſt to propagation, together with a 'much greater deſtruction of them by taking them 'from a laborious way of living, to a looſe idle life; 'and beſides this the inſolence of the officers, and the 'debaucheries that are committed both by them, and 'their ſoldiers in all the towns they come into; the 'ruin of multitudes of women, diſhonour of their 'families, and example to others; and a numerous 'train of miſchiefs beſides, almoſt endleſs to enume-'rate. Theſe are trivial grievances in reſpect of thoſe 'I have treated above, which ſtrike at the hearts blood 'of our conſtitution, and therefore I thought theſe 'not conſiderable enough to bear a part in a diſcourſe 'of this nature [b].'

'If the army be continued but a few years, it will 'be accounted a part of the prerogative, and it will be 'thought as great a violation to attempt the diſband-'ing it, as the guards in *Ch.* II's time. It will be 'interpreted a deſign to dethrone the king [c].' Our times prove Mr. *Trenchard* a true prophet.

Mr. *Trenchard* [d] takes notice, that the prince of *Orange*, in his firſt declaration, ſet forth all the op-

[a] Deb. Lords, vii. 634. [b] *Gord.* Tracts, i. 28.
[c] *Trench.* Hist. st. Arm. p. 103. [d] Ibid. p. 80.

preſſions of king *James* IId's reign, excepting only that of his keeping up a ſtanding army in time of peace; as if he had thought that no very great grievance. *William* promiſed, however, to ſend home the foreign forces he brought with him, as ſoon as he eſtabliſhed a free parliament, liberty, and the proteſtant religion, &c. [*Burnet* blamed him to his face very ſeverely for eſtabliſhing corruption] and he kept his word ſo well, that he and his parliament had almoſt finally fallen out, becauſe he would not ſend away his *Dutch* guards; ſo much are even good kings attached to power, and to armies, the inſtrument of power.

After much debating, voting, reſolving, and diſbanding, the army eſtabliſhment was ſettled, *A. D.* 1697, at 10,000 landmen, and 3000 marines, which laſt it was pretended, were not a land-force, but a water-force. Nor did the miniſtry accompliſh the parliament's intention.

'Thus, (ſays Mr. *Trenchard*[a]) what our courts 'for above 1000 years together never had the effron-'tery to aſk, what the penſion parliament could not 'think of without aſtoniſhment, what *James*'s parlia-'ment choſen almoſt by himſelf, could not hear 'debated with patience, we are likely to have the 'honour of eſtabliſhing under a deliverance.'

Mr. *Trenchard*[b] throws out broad hints, that the ſtrange and continual miſmanagement of *ſea* affairs in king *William*'s time, could hardly have come about any other way, than through a deſign of magnifying the importance of *land* armies. And I will take the liberty of likewiſe throwing out a broad hint, that we have ſeen the ſame traiterous policy carried on at different periods ſince that time by various miniſters, who

[a] HIST. OF STANDING ARMIES, p. 87.

[b] Ibid. 84.

who were yet very good whigs. Let the reader caſt an eye backward upon all our windmill expeditions to the continent, under *William*, *Anne*, and the two *Georges*; let him remember the loſs of *Minorca*; let him obſerve how many reviews are made of the army, to one ſurvey of the fleet; let him—but enough of this.

See Mr. *Gordon*'s *Argument againſt ſtanding armies*. TRACTS, Vol. I. in which, p. 7, he aſcribes the preſervation of *Britiſh* liberties to his times, *A. D.* 1697, merely to the ſmallneſs of the army. N. B. Our ſtanding force now is double the number of what was then kept up. He obſerves, that neither the *Iſraelites*, *Athenians*, *Corinthians*, *Achaians*, *Lacedæmonians*, *Thebans*, *Samnites*, nor *Romans*, while they were free, kept any ſoldiers in pay at home. They never truſted arms in the hands of any, but thoſe, who were intereſted in preſerving the public peace. When the fatal ambition of extending their dominions put them upon conquering kingdoms, they were obliged to keep mercenary ſoldiers in the conquered provinces.

Ex illo fluere, ac retro ſublapſa referri
Spes Romanorum. VIRG.

Even then they did what they could to prevent a military force from getting footing in *Campania*. They made a law, and put up an inſcription at the paſſage of the *Rubicon*, 'Imperator ſive miles, &c. Let every 'commander, ſoldier, and armed prince, leave here 'his arms and ſtandard, and not preſume to come in 'military array, farther than this river.' Therefore *Julius*, having traiterouſly and rebelliouſly violated this law, had nothing left, but to puſh on his ambitious ſchemes, and endeavour to ſave himſelf, by the deſtruction of his country.

The

The excellent Mr. *Gordon*, then goes on to mention ſome remarkable inſtances of free nations loſing their liberties by ſuffering the eſtabliſhment of mercenary ſtanding armies. *Athens* was in this manner enſlaved by *Piſiſtratus*; *Corinth* by *Timophanes*; *Syracuſe* by *Agathocles*; *Rome* by *Julius*; *Milan* by *Sforza*; *Sweden* by *Guſtavus Ericſon*; *England* by *Cromwell*, &c. Mr. *Gordon* does not quote his authorities. But they are taken from authentic hiſtory.

'What I lament' (ſays the writer of LET. TO TWO GREAT MEN [a]) 'as the greateſt misfortune that can 'threaten the public liberty, is to ſee the eagerneſs 'with which our nobility, born to be the guardians 'of the conſtitution againſt prerogative, ſolicit the 'badge of military ſubjection, not merely to ſerve 'their country in times of danger, which would be 'commendable; but in expectation to be continued 'ſoldiers, when tranquillity ſhall be reſtored, and to 'be under military command during life. When I 'ſee this ſtrange but melancholy infatuation ſo prevalent, I almoſt deſpair of the conſtitution. If it 'ſhould go on in proportion as it has of late, I fear 'the time will at laſt come, when independence on 'the crown will be exploded as unfaſhionable. Unleſs 'another ſpirit poſſeſſes our nobility; unleſs they lay 'aſide their military trappings, and think they can 'ſerve their country more effectually as ſenators, 'than as ſoldiers, what can we expect, but to ſee the 'ſyſtem of military ſubordination extending itſelf 'throughout the kingdom, univerſal dependence upon 'government influencing every rank of men, and the 'ſpirit, nay the very form, of the conſtitution deſtroyed. We have generally beaten the *French*, and 'always been fooliſh enough to follow their faſhions. 'I was, however, in hopes we ſhould never have taken 'the

[a] *A. D.* 1760. p. 46.

'the fashion of *French* Government;' [the bill, of this year 1774, for the government of *Canada* is the very thing] 'but from our numerous armies, 'and the military turn of our nobility, I am afraid 'we are running into it as fast as we can. And 'unless something can be done to bring back 'our constitution to its first principles, we shall find 'that we have triumphed only to make ourselves as 'wretched as our enemy; that our conquests are 'but a poor compensation for the loss of our liberties; 'in a word, that, like *Wolfe*, falling in the arms of 'victory, we are most gloriously—undone.'

The vesting of courts-martial with the power of punishing with death in times of peace (the consequence of a standing army) was carried in the house of commons by a small majority, *A. D.* 1718, *viz.* 247 to 229. *Walpole* (in those days a flaming patriot) opposed all courts-martial. 'They (he said) who 'gave the power of blood, gave blood.' Though afterwards, when he came to be a minister, he was better reconciled to standing armies and mutiny bills in times of peace; he never dared to ask above 17,000 men. We have now doubled that number. His demand produced a debate every year. He founded his pretended necessity for a standing army upon jacobitism. In our times, a minister could not bring out the word without laughing. Our ministers, therefore, found it upon—upon—I profess I do not know what they found it upon, if it be not the necessity of keeping down the spirit of the people, enraged against corruption and peculation; or the necessity of finding places in the army, the war-office, *&c.* for their tools, and the sons of their tools.

'There is one thing (says lord *Gage*[a]) fatal above 'all others, that must be the consequence of so great 'a body

[a] Deb. Com. xi. 388.

'a body of troops being kept on foot in *England*, and 'will be the finiſhing ſtroke to all our liberties. As 'the towns in *England* will not be able much longer 'to contain quarters for them, moſt of thoſe, who 'keep public houſes, being near ruined by ſoldiers 'billeted on them; ſo, on pretence of the neceſſity of 'it, barracks will be built for quartering them, which 'will be as ſo many fortreſſes with ſtrong garriſons in 'them, erected in all parts of *England*, which can 'tend to nothing but by degrees to ſubdue and enſlave 'the kingdom. But if ever this ſcheme ſhould be 'attempted, it will be incumbent on every *Engliſhman* 'to endeavour to prevent it by all methods; and as it 'would be the laſt ſtand that could be ever made for 'our liberties, rather than ſuffer it to be put in exe-'cution, it would be our duty to draw our ſwords, 'and never put them up till our liberties were ſecured, 'and the authors of our intended ſlavery brought to 'condign puniſhment.'

Several lords proteſted on occaſion of the election of 16 *Scotch* peers, *A. D.* 1735, when 'a batallion 'of his majeſty's forces were drawn up in the Abby 'Court at *Edinburgh*, and three companies of it were 'marched from *Leith* (a place of one mile diſtance) 'to join the reſt of the batallion, and kept under arms 'from nine in the morning till nine at night, when 'the election was ended; contrary to cuſtom at 'elections, and without any cauſe or occaſion that 'could be foreſeen, other than the overawing 'of the electors, we apprehend to be of the higheſt 'conſequence both to our liberties in general, and 'the freedom of elections in particular; ſince what-'ever may have been the pretence, whatever appre-'henſions of diſorders or tumults may have been 'alledged in this caſe, may be equally alledged on 'future

'future occaſions; eſpecially as we have a number of 'regular forces abundantly ſufficient to anſwer ſuch 'calls: and we apprehend that the employment 'aſſigned to this batallion will give great diſtruſt and 'uneaſineſs to many of his majeſty's ſubjects, who will 'fear what uſe may be made of the reſt of that very 'great number of men now kept up in this nation [a].'

Lord *Cheſterfield* endeavours, *A. D.* 1741, to ſhew that the ſtrength of this country conſiſts in our fleets, and not in our land forces. 'That the fleets of *Great* '*Britain* are equal in force and number of ſhips to the 'united navies of the greateſt part of the world; 'that our admirals are men of known bravery, and 'long experience, and therefore formidable not only 'for real abilities and natural courage, but for the 'confidence which their preſence neceſſarily excites 'in their followers, and the terror which muſt always 'accompany ſucceſs, and enervate thoſe who are 'accuſtomed to defeats; that our ſailors are a race of 'men diſtinguiſhed by their ardour for war, and their 'intrepidity in danger, from the reſt of the human 'ſpecies; that they ſeem beings ſuperior to fear, and 'delighted with thoſe objects which cannot be named 'without filling every other breaſt with horror; that 'they are capable of ruſhing upon apparent deſtruc- 'tion without reluctance, and of ſtanding without 'concern amidſt the complicated terrors of a naval 'war, is univerſally known and confeſſed, my lords, 'even by thoſe whoſe intereſt it is to doubt or deny 'it. Upon the ocean, therefore, we are allowed to 'be irreſiſtible, to be able to ſhut up the ports of the 'continent, to impriſon the nations of *Europe* within 'the limits of their own territories, deprive them of 'all

[a] Deb. Lords, iv. 427.

'all foreign assistance, and put a stop to the commerce of the world. It is allowed that we are 'placed the centinels at the barriers of nature, 'and the arbiters of the intercourse of mankind. 'These are appellations, my lords, which however 'splendid and ostentatious, our ancestors obtained 'and preserved with less advantages than we possess, 'by whom, I am afraid, they are about to be forfeited. 'The dominion of the ocean was asserted in former 'times, in opposition to powers far more able to con-'test it, than those whom we have so long submis-'sively courted, and of whom we are now evidently 'afraid[a].'

'There is a very remarkable difference between a 'standing law and a standing army. A standing law, 'though it was at first made perpetual, though it 'should be observed for ages together, yet it cannot 'say to the legislature, You shall not repeal me; but 'an army, though it was never designed to be per-'petual, though it has been kept up but a small 'number of years, may say to us, You shall not dis-'band me; if you attempt to do so, I will turn you 'out of doors. We know this by experience; and 'that experience may convince us that an annual 'parliamentary check, such as it is pretended we now 'have, would be of very little signification against 'an army sufficient, and that army provided with a 'general resolved, to make the parliament do what-'ever he had a mind. *Oliver Cromwell*, and the army 'under his command, were faithful to that parliament 'which established them, as long as the parliament 'did nothing to displease them; but as soon as the par-'liament began to think of disbanding them, they 'immedi-

[a] Deb. Lords, viii. 12.

'immediately, and without any garbling, rebelled 'againſt the parliament, and at laſt turned it out of 'doors. And with a part of the ſame army, we 'may remember, that general *Monk* in a few months, 'and with but very little garbling, diſſolved the rump 'parliament, by whoſe authority he at firſt pretended 'to act, and reſtored king *Ch.* II.[a]'

'The keeping up of a ſtanding mercenary army in 'a free country, neceſſarily deſtroys the martial ſpirit 'and diſcipline of the reſt of the people; and all 'hiſtories ſhew that a cowardly people muſt ſoon 'become ſlaves to a foreign or domeſtic army. The 'keeping up of ſuch an army in a trading country 'encourages and promotes a ſpirit of idleneſs, lewd-'neſs, debauchery, luxury, and extravagance among 'all ranks and degrees of men; and every one knows, 'that the trade of a country, eſpecially where it has 'many rivals, can be ſupported by nothing but by 'the induſtry, virtue, ſobriety, and frugality of the 'people. The quartering of ſoldiers, even in this 'country, is a terrible grievance and a heavy load 'upon many private men, and of moſt dangerous 'conſequence to the freedom of our elections, becauſe 'it is a rod in the hand of our miniſters, which they 'make uſe of for correcting any corporation, or 'county, that ſhall chuſe a member whoſe face is not 'agreeable to the court. The providing of a daily 'ſupport for ſo many hale, luſty fellows, moſt of 'whom have been bred up to ſome laborious trade or 'employment, greatly diminiſhes our profits by trade, 'and conſequently our national revenue, which every 'one knows, depends upon the labour and induſtry 'of our poor. Theſe are diſadvantages which are 'univer-

[a] Deb. Lords, v. 395.

'universally acknowledged; and therefore we ought 'never to submit to the keeping up a standing mer- 'cenary army, but in cases of the most urgent neces- 'sity; nor ought we at any time to keep up a more 'numerous mercenary army than the present necessity 'evidently requires [a].'

The witty earl of *Chesterfield* [b], answering the *wise* duke of *Newcastle*'s arguments for keeping up what was then, *A. D.* 1738, called a numerous army, *viz.* 18,000 men, speaks as follows.

'I need not, I believe, my lords, trace the noble 'lord in his travels over *Europe*, in order to extenuate 'the dangers he has endeavoured to pick up, for 'shewing the necessity we are under at present for 'keeping up such a numerous army. I think all the 'dangers he has mentioned, either abroad or at home, 'depend upon may be's, which must always subsist. 'A minister may die—a prince may have ambitious 'views—a prince's success may raise the jealousy of 'others—his misfortunes may revive their hopes—'there may be a design to invade us, though we 'have not at present the least item of it—*Spain* may 'refuse to do us justice, or may be assisted by the '*French*, though we have yet no reason to expect either 'the one or the other—A plot for an insurrection may 'be forming, though we have not at present the least 'intimation of any such thing, not even from common 'reports or surmises—And all these may be's, or possi- 'bilities, will become probabilities, or certainties, if 'we should reduce our army. Are these arguments, 'my lords, that can convince any man in the kingdom 'of our being under a present necessity for keeping up 'a numerous standing army in time of peace?

'If

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[a] Deb. Lords, v. 252. [b] Ibid. 269.

'If a parliamentary army (says he[a]) kept up from 'year to year becomes an affair of course, I can see no 'reason for not establishing it by a perpetual law. I 'wish the bill now before us had been a bill of such 'a nature. Such a bill would have made people 'sensible of their danger; whereas by the method we 'are in, we are like to have a perpetual army palmed 'upon us, under colour of an annual bill. An army 'kept up by a perpetual law, would be as much an 'army kept up by consent of parliament, as an army 'perpetually kept up by an annual bill. I can see no 'difference between the one and the other: they are 'both dangerous, and equally dangerous to our con-'stitution; and were thought so by the whole nation, 'except a few courtiers, in the reign of *Ch.* II. when 'the custom of keeping up a few regular troops under 'the denomination of guards, was first introduced. I 'do not know how the words "unless with consent "of parliament," crept into the claim of right; for 'from the journals of parliament it appears, that the 'house of commons in *Ch.* II.'s time were of opinion, 'that the keeping up a standing army in time of peace 'was inconsistent with our constitution, whether that 'army was kept up with or without the consent of 'parliament. In their resolutions there is no such 'exception; and if the keeping up a standing army in 'time of peace be wrong, as it must be, if it be incon-'sistent with our constitution, I am sure the sanction 'of parliament, whether by an annual or perpetual 'law, cannot make it right.'

'It is no argument[b], my lords, to say, we have 'kept up an army for a great many years without 'being sensible of any danger. A young fiery horse 'is

[a] Deb. Lords, v. 268. [b] Ibid. 273.

'is never brought at once to ſubmit to the curb, and 'patiently to receive the rider upon his back. If you 'put the bit into his mouth without any previous 'preparation, or put a weak and unſkilful rider upon 'his back, he will probably break the neck of his 'rider; but by degrees you may make him tamely 'ſubmit to both. A free people muſt be treated in 'the ſame manner: by degrees they muſt be accuſ-'tomed to be governed by an army, by degrees that 'army muſt be made ſtrong enough to hold them in 'ſubjection. If you ſhould at once attempt to govern 'your people by a military power, and before they are 'a little prepared for the yoke; if you ſhould mount 'your army upon them before it has gathered ſtrength 'to keep its ſeat in the ſaddle, your people would 'probably break the necks of thoſe that attempted to 'ride them. But we have already, for many years, 'been accuſtoming our people to be governed by an 'army, under pretence of making uſe of that army 'only to aſſiſt the civil power; and by degrees we have 'been for ſeveral years encreaſing the number, and 'conſequently the ſtrength of our army.'

'To pretend that our liberties [a] can be in no danger 'from our army, becauſe it is commanded by gentle-'men of the beſt families and fortunes in the kingdom, 'is an argument I am ſurprized to hear made uſe of. 'For our liberties ought to depend upon our conſti-'tution, and not upon the honour of the gentlemen of 'our army. I can, it is true, depend upon the honour 'of thoſe who are at preſent the officers of our army; 'but my dependence is not founded upon their being 'gentlemen of family or fortune: It is founded upon 'their perſonal characters only. I have the honour 'to

[a] Deb. Lords, v. 278.

'to be acquainted with many of the chief officers of 'our army: I know their honour, and the regard they 'have for the liberties of their country; and upon that 'knowledge, I can depend. If I were not acquainted 'with them, I ſhould have but little regard to their 'being gentlemen of family and fortune: for in all 'countries where arbitrary power has been eſtabliſhed, 'many gentlemen of the beſt families and fortunes, 'have, through fear or ambition, become the tools of 'miniſters, and have aſſiſted or ſuffered them to 'ſacrifice the liberties of their country.'

Lord *Carteret* afterwards obſerves [a], 'That all the 'nations around, and eſpecially *France*, were culti- 'vating commerce and manufactures. That this made 'it neceſſary for *England* to ſtudy all poſſible means 'for reducing the price of her manufactures, in order 'to be on an equal foot with her neighbours. That a 'reduction of the army was one of the moſt obvious 'meaſures for leſſening taxes, and reducing manufac- 'tures.' [How much ſtronger is that argument now, when we have more than doubled the national debt!] 'So far, ſays he, have we been from being frugal; 'and ſaving upon this article, or indeed, any other 'article of public expence, that we have for many 'years kept up a more numerous ſtanding army than 'was in my opinion neceſſary; and upon moſt of the 'other articles we are every year increaſing, inſtead of 'diminiſhing. Our civil liſt revenue has been increaſed 'from 4 or 500,000 *l.* to, I may ſay, near a million a 'year. The expence of our army at home has been 'of late years increaſed: the expence of our land forces 'in the plantations, *Minorca*, and *Gibraltar*, has been

[a] Deb. Lords, v. 249.

'increasing for several years, and is this year higher 'than it was the last: The expence of *Chelsea* hospital 'is every year increasing; and as we are almost every 'year creating some new post, or adding some new officer 'to the management and collection of our public reve-'nue, this, I believe, is a hidden and dangerous sort of 'expence, which has been vastly increased of late years, 'and is every year increasing. Many smalls, my lords, 'make a great, as we may see by comparing our 'present annual revenue with what it was forty or 'fifty years ago. Before the revolution, the whole of 'the public expence, which the people of this nation 'were annually loaded with, was but about two mil-'lions. Now what we call the current expence, which 'the parliament provides for every year, amounts to 'above two millions besides the civil list, the interest 'growing due every year to our public creditors, and 'the sinking fund, which are provided for by estab-'lished, perpetual revenues; and as the civil list re-'venue may be computed at near one million, the 'interest growing due upon our public funds at near 'two millions, and the sinking fund at above one 'million yearly, we must reckon that the people of 'this nation are now, even in time of peace, loaded 'with a public expence of six millions, instead of the 'two millions, which was the highest sum they were 'ever loaded with in time of peace, before the late 'happy revolution.'

Mr. *Lyttelton* (since lord *Lyttelton*, lately deceased) on the subject of the standing army, spoke as follows in the house of commons, *A. D.* 1739[a].

'As I can see no good use that can be made of these 'troops, and as I will not suppose that any bad one is 'in-

[a] Deb. Com. x. 413.

'intended, I must conclude they are kept for ostentation alone. But is it for his majesty's honour to 'put the lustre of his crown, to put his dignity upon 'that, in which he may be rivalled by the petty prince 'of any little state in *Germany?* For I believe there 'are few of them now that cannot produce at a review 'an army equal to ours, both in number and show. 'If the greatness of a state is to be measured by the 'number of its troops, the elector of *Hanover* is as great 'as the king of *England*. But a very different estimation 'ought to be made of our greatness; the strength of '*England* is its wealth and its trade: Take care 'of them, you will be always formidable: lose them, 'you are nothing; you are the last of mankind. 'Were there no other reasons for reducing the army, 'it should be done upon the principle of œconomy 'alone. It is a melancholy thought to reflect how 'much we have spent, and to how little purpose for 'these 16 years past. Sir, could it be said, "We 'are indeed loaded with debt; but for that charge 'we have encreased our reputation, our commerce 'flourishes, our navigation is safe, our flag is respected, 'our name honoured abroad,"—could this be said, 'there is a spirit in the people of *England* which would 'make them chearfully bear the heaviest burdens '—On the other side, could an opposite language be 'held, could it be said, "We have indeed no victo-'ries, no glory to boast of, no eclat, no dignity; 'we have submitted to injuries; we have borne 'affronts; we have been forced to curb the spirit of 'the nation; but by acting thus, we have restored 'our affairs, we have paid our debts, we have taken 'off our taxes, we have put into the power of the 'king and parliament, to act hereafter with more 'vigour and weight;"—could this be said, this also

'might be satisfactory.—But to have failed in both 'these points, at the same time by a conduct equally 'inglorious and expensive, to have lost the advantages 'both of war and peace, to have brought disgrace and 'shame upon the present times, and national beggary 'upon ages to come, the consequence of which may 'be national slavery; such a management, if such a 'management can be supposed, must call down 'national vengeance upon the guilty authors of it, 'whosoever they be, and the longer it has been sus-'pended, the more heavy it will fall.'

Mr. *Shippen*, *A. D.* 1739, spoke on this subject as follows [a].

'Can it be thought, that our influence at foreign 'courts depends upon the number of land-forces we 'keep in continual pay? No, Sir; our influence de-'pends upon the riches and number of our people, and 'not upon the number of our regular regiments, or 'the appearance they make at a review. We have 'many thousands that would make as good an appear-'ance in the day of battle if their country were in 'danger, though they are not at present masters of all 'the punctilios proper only for a review. We have a 'navy, which no nation in the world can equal, far 'less overcome, by which we may carry the dread of 'this nation into every country that is visited by the 'ocean: And we have money, notwithstanding the 'bad use we have made of so long a peace, to hire as 'many foreign troops as we can have occasion for, 'and to support them as long as we can have any 'service for them. Therefore, while we are unanimous 'amongst ourselves, while our government possesses 'the hearts and affections of the people in general, 'which

[a] Deb. Com. x. 407.

'which every virtuous and wise government must neces-
'sarily do, this nation must always have a great in-
'fluence upon the counsels of every court in *Europe*,
'nay of every court in the world, where it is necessary
'for us to extend our influence. From hence we may
'see, Sir, that in this nation we can never have occa-
'sion for keeping up a great number or any number
'of regular troops in order to give weight to our ne-
'gotiations; and if any power in *Europe* should refuse
'to observe or perform the treaties they have made
'with us, we ought not to seek redress by negotiation.
'We may make a demand; but it is beneath the dignity
'of a powerful people to sue for justice. Upon the first
'refusal or affected delay, we ought to compel them,
'not by keeping an army at home, which would be
'ridiculous, but by sending an irresistible fleet, with
'an army on board to ravage their coasts; or by
'getting some of their neighbours, with our assistance,
'to attack them; both which will always be in the
'power of every government of this country, that
'preserve their influence abroad by preserving the
'affections of the people at home; and that without
'keeping any number of regular troops always in
'pay: for whilst the spirit of liberty, which is the
'nursing mother of courage, is preserved among our
'people, we shall never want a great number of brave
'men of all degrees amongst us, that will be ready to
'venture their lives in the cause of their country; and
'such men may in a few weeks be sufficiently disci-
'plined for action, though they might not perhaps
'observe all the punctilios so exactly as a parcel of
'idle mercenary fellows, who have had perhaps
'nothing to do for seven years together, but to dance
'through their exercises. The keeping up of a stand-
'ing army in this nation, can never therefore be

'neceſſary, either for preſerving our influence amongſt 'our neighbours, or for puniſhing ſuch of them as 'ſhall offend us; and with reſpect to our own defence, 'as we have no frontier but the ocean, while we 'preſerve a ſuperiority at ſea, a popular government 'in this country can never be under the leaſt neceſſity 'of keeping up any land forces, eſpecially if they 'would take care to have our militia but tolerably 'armed and diſciplined; for no nation will be mad 'enough to invade us, while we are united among 'ourſelves, with a handful of troops, who muſt either 'all die by the ſword, or be made priſoners of war; 'becauſe we could by means of our navy prevent 'their being able to return. And if any of our 'neighbours ſhould prepare to invade us with a great 'fleet and a numerous army, we ſhould not only have 'time to prepare for their reception, but we might 'lock them up in their ports by means of our navy, 'or we might give them enough to do at home by 'ſtirring up ſome of their neighbours upon the con-'tinent to invade them.'

In conſequence of our attachment to continental meaſures, 'armies (ſays lord *Bolingbroke*) grew ſo much into 'faſhion, in time of war, among men who meant well 'to their country, that they who mean ill keep them 'ſtill up in the profoundeſt peace; and the number of 'our ſoldiers in this iſland alone is almoſt double to 'that of our ſeamen. That they are kept up againſt 'foreign enemies, cannot be ſaid with any colour. If 'they are kept for ſhew, they are ridiculous. If they 'are kept for any other purpoſe whatever, they are 'too dangerous to be ſuffered. A patriot king, ſe-'conded by miniſters attached to the true intereſt of 'their country, would ſoon reform this abuſe, and 'ſave a great part of this expence; or apply it in a

'manner preferable even to the saving it, to the maintenance of a body of marine foot, and to the charge of a register of thirty or forty thousand seamen. But no thoughts like these, no great designs for the honour and interest of the kingdom, will be entertained, till men who have the honour and interest of the kingdom at heart arise to power [a].'

'At *Carthage* (says *Mountague*) their military institution was such that the power of their generals in the field was absolute and unlimited; and if their conduct was approved of, generally continued to the end of whatever war they were engaged in. They had no occasion for the dangerous resource of a dictator. The watchful eye of their standing court-martial, the committee of 104 of their ablest senators, was a perpetual and never-failing check upon the ambition or ill behaviour of their generals [b].'

'Our method of trying delinquents, (says lord *Carteret*) either in the land or sea service, by a court-martial composed of their respective officers, has been judged liable to many objections, and has occasioned no little discontent in the nation. For as their enquiry is restricted to a particular set of articles in each service, I do not see how a commanding officer, vested with a discretionary power of acting, can strictly or properly come under their cognizance, or ever be liable to their censure, unless he is proved guilty of a direct breach of any one of those articles. But as a commander in chief may easily avoid any offence of that nature, and yet upon the whole of his conduct in any expedition, be highly culpable; a court-martial thus circumscribed in their power of enquiry, can never be competent judges in a cause where they are denied a proper power of examining into the

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[a] *Bolingbr.* Id. Patr. King, 196.

[b] *Mountague*, 357.

'real demerits of the ſuppoſed offender. Much has 'been ſaid about trying offences of this nature like 'other criminal caſes by juries. A ſcheme which at 'the very firſt ſight muſt appear abſurd and impracticable 'to the rational and unprejudiced. As therefore in-'ſtruction is the true end and uſe of all hiſtory, I 'ſhall take the liberty of offering a ſcheme drawn 'from that wiſe and ſalutary inſtitution of the *Cartha-'ginians*, which is, That a ſelect ſtanding com-'mittee be appointed, to be compoſed of an equal 'number of members of both houſes, choſen annually 'by balloting, with a full power of enquiring into the 'conduct of all commanders in chief without any re-'ſtraint of articles of war; and that after a proper 'examination the committee ſhall refer the caſe with 'their opinion upon it to the deciſion of his majeſty. 'This ſcheme ſeems to me the leaſt liable to objections 'of any I have yet met with. For if the members 'are choſen by ballotting, they will be leſs liable to 'the influence of party. If they are choſen annually, 'and refer the caſe to the deciſion of the crown, which 'is the fountain of juſtice as well as mercy, they 'will neither incroach upon the royal prerogative, nor 'be liable to that ſignal defect in the *Carthaginian* 'committee, which ſat for life, and whoſe ſentence 'was final without appeal.'

'His late majeſty [*Geo.* I.] even after the war with '*Spain* was begun, made a reduction of his land-'forces, and told his parliament he did ſo, becauſe 'he thought his fleet ſufficient not only to give a 'check to the ambitious views of *Spain*, but to compel 'them to agree to reaſonable terms. The event, 'accordingly, anſwered his expectations: for by 'means of his fleet, he ſoon convinced the *Spaniſh* 'court how vain it was for them to contend with 'this nation.—This is an example, which ought now

'to be followed. I wiſh it had always been followed.' Speech againſt the ſtanding army, *A. D.* 1738 [a].

He then goes on to ſhew, that there is no more occaſion for an army on account of the domeſtic ſtate of affairs, than he had ſhewn there was on account of foreign. That there might be diſcontents; but there was no reaſon to apprehend diſaffection. That there had been ſome mobs and tumults: but that it did not follow, that therefore an *army* muſt be kept up. 'A law, ſays he, which the civil power is unable to 'execute, muſt either be in itſelf oppreſſive, or it 'muſt be ſuch a one as gives a handle for oppreſſion. 'I hope this houſe will always have penetration 'enough not to paſs a law which is in itſelf oppreſ-'ſive, or at leaſt the goodneſs to repeal it, as ſoon 'as it appears to be ſo; and I hope we ſhall always 'have virtue and courage enough to ſend that magi-'ſtrate or that officer to *Tyburn*, who ſhall dare to 'make an oppreſſive uſe of any law we give our con-'ſent to. Therefore if there be any laws now in 'being, which cannot be executed by the civil power, 'we ought to enquire into them, and the uſe that is 'made of them, in order to amend or repeal them; 'and to contrive ſome other methods or laws for an-'ſwering thoſe ends, for which they were intended. 'Surely we are not to make a ſacrifice of our conſti-'tution and liberties, by eſtabliſhing a military go-'vernment for the ſupport of oppreſſive or dangerous 'laws, which through inadvertency or want of fore-'ſight have been agreed to, either by ourſelves or our 'anceſtors. But ſuppoſe, my lords, that the mobs 'and tumults which have lately happened, and the 'oppoſition

[a] Deb. Lords, v. 247.

'oppoſition that has in ſome caſes been made to the 'civil magiſtrate, have proceeded from nothing of 'an oppreſſive nature in any of our laws, nor from 'the oppreſſive uſe that has been made of any of them, 'which I hope is the caſe; yet experience has taught 'us that regular troops are far from being proper or 'effectual inſtruments, for preventing ſuch tumults, 'or for aiding the civil magiſtrate in the execution of 'our laws. The late atrocious murder committed by 'the mob at *Edinburgh* was perpetrated within a few 'hundred yards of a whole regiment of regular troops; 'and even here in *Weſtminſter*, nay even within the 'verge of the court, we know that great affronts have 'been offered to the government, and ſome murders 'committed by mobs within the view of our regular 'troops. It is impoſſible, my lords, to make our 'regular troops proper or effectual inſtruments for 'quelling mobs, or for enforcing the laws of their 'country, unleſs you lodge the civil as well as mili-'tary power in the officers of your army; and ſuch a 'regulation, I am ſure, no lord of this houſe would 'agree to, nor would any officer of our army, I hope, 'deſire to ſee it eſtabliſhed.'

The following is part of one of the parliamentary ſpeeches for a place-bill. In ſeparating it from the reſt, I have cut off the name of the ſpeaker. It is much to the purpoſe on this ſubject.

'The keeping up of a ſtanding army in this iſland 'in time of peace, was always, till the revolution, 'deemed inconſiſtent with our conſtitution. Since 'that time indeed, we have always thought the keep-'ing up of a *ſmall* number [not 50,000; for that is in my humble opinion a *great* number] 'of regular 'troops is neceſſary for preſerving our conſtitution, 'or at leaſt the preſent eſtabliſhment. How far this

'may

'may be right, I ſhall not pretend to determine. But 'I muſt obſerve, that the famous ſcheme for over- 'turning our conſtitution, which was publiſhed in 'the year 1629, required but 3,000 foot for this pur- 'poſe; and if *Charles* I. had, in the year 1641, been 'provided with ſuch a number of regular troops upon 'whom he might have depended for overawing the 'mob of the city of *London*, his fate, I believe, would 'have been very different from what it was. I am 'very far from thinking that ſuch a very ſmall number, 'even now that our people are ſo much diſuſed to 'arms, would be ſufficient for overturning our conſti- 'tution; but there is a certain number which would 'be infallibly ſufficient for this purpoſe, and it is not 'eaſy to determine how near we may now be come 'to that number. Now ſuppoſe, we are come within '2 or 3,000 of that number, and that a miniſter, in 'order to render his ſucceſs againſt our conſtitution 'infallible, ſhould, upon ſome ſpecious pretence or 'other, deſire the parliament to conſent to an aug- 'mentation of 2 or 3,000 men to our army; can we 'ſuppoſe that ſuch a ſmall augmentation upon a 'plauſible pretence, would be refuſed by a parlia- 'ment chiefly compoſed of officers and placemen? 'Can we ſuppoſe that any man would riſk his loſing a 'lucrative employment, by voting againſt ſuch a 'ſmall augmentation? Some civil powers to be exe- 'cuted by civil officers, and ſome military powers to 'be executed by a ſtanding army or a ſtanding militia, 'are certainly neceſſary in all governments: I am 'afraid it is impoſſible to preſerve a free government, 'when all thoſe powers are lodged in one ſingle man; 'but when they are not only lodged in one ſingle man, 'but greatly increaſed beyond what is neceſſary for 'the ſupport of a free government, I am ſure the 'freedom of that government muſt be ſoon at an end;

'and

'and it is very hard to diſtinguiſh between the powers 'neceſſary for the ſupport of a free government, and 'theſe that are ſufficient for eſtabliſhing an arbitrary 'one. The partition is ſo thin, that it may eaſily 'be miſtaken, and certainly will be miſtaken by moſt 'of thoſe who are under a temptation to judge par-'tially in favour of arbitrary power.'

Part of ſir *Charles Sedley*'s ſpeech in parliament on the bill for diſbanding the army, *A. D.* 1699 [a].

'I hope my behaviour in this houſe has put me 'above the cenſure of one who would obſtruct his 'majeſty's affairs. I was as early in the apprehenſions 'of the power of *France* as any man. I never ſtuck 'at money for fleets, armies, alliances, or whatever 'expences ſeemed to have the preſervation of our new 'ſettled government for their end. I am ſtill of the 'ſame mind; but that was war, and this is peace; 'and if I differ from ſome worthy gentlemen who 'have ſpoke before me, they will be ſo juſt as to be-'lieve it is not about the end, but the means, that 'we contend. Some may think *England* cannot be 'ſafe without a ſtanding army of 30,000 men; and 'will tell us the king of *France* has 200,000 in pay 'diſciplined troops; that all our neighbours are armed 'in another manner than they were wont to be; that 'we muſt not imagine we can defend ourſelves with 'our ordinary and legal forces. All this is very ma-'terial, and would have great weight with me if '*England* were not an iſland acceſſible only by ſea, 'and in that caſe not till the invaders have deſtroyed 'our navy, which is or may be made ſuperior to any 'force that can be brought againſt us. It is very 'difficult to land forces in an enemy's country; the

'*Spaniſh*

[a] Deb. Com. iii. 190.

'*Spaniſh* armada was beaten at ſea, and never ſet foot 'on *Engliſh* ground; his preſent majeſty with all the 'ſhipping of *Holland* could bring over but 14,000, or '15,000 men, and that ſo publickly, that nothing 'but an infatuated prince would have permitted their 'landing. Our attempt upon *Breſt* ſhews us that it 'is eaſy with a ſmall force to prevent an aſſault from 'the other ſide of the water. As we are capable of 'being attacked in ſeveral places, ſo it may be urged 'as reaſon for ſeveral troops more than our finances 'can bear; but if we burden the people thus far in 'peace, it may tempt ſome to wiſh for war again; 'every change carrying a proſpect of better times, and 'nothing can make worſe times than a ſtanding army 'of any number of men will at preſent. If we are 'true to ourſelves, 10,000 men are enough; and if 'not, 100,000 are too few.'

If we had improved the militia, we might have had at this time 500,000 men tolerably diſciplined. This would have put the power into the hands of the people, where only it can be ſafe.

Mr. *Hutcheſon*, in his ſpeech on the forces for 1718[a], obſerves, 'That no legiſlator ever founded a 'free government, but he avoided this *Charybdis*' [of a mercenary army] 'as a rock againſt which his com-'monwealth muſt certainly be ſhipwrecked, as the '*Iſraelites*, *Athenians*, *Corinthians*, *Achaians*, *Lacedæmo-'nians*, *Thebans*, *Samnites* and *Romans*; none of which 'nations, whilſt they kept their liberty, were ever 'known to maintain any ſoldiers in conſtant pay, 'within their cities, or ever ſuffered any of their 'ſubjects to make war their profeſſion; well knowing 'that the ſword and ſovereignty always march hand 'in

[a] Deb. Com. vi. Append. p. 46.

'in hand; and therefore they trained their own citizens 'and inhabitants of their territories about them, per- 'petually in arms; and their whole commonwealths, 'by this means, became ſo many formed militias. A 'general exerciſe of the beſt of their people in the uſe 'of arms, was the only bulwark of their liberties. 'This was reckoned the ſureſt way to preſerve them 'both at home and abroad, the people being ſecured 'thereby as well againſt the domeſtic affronts of any 'of their own citizens, as againſt the foreign invaſions 'of ambitious and unruly neighbours. Their arms 'were never lodged in the hands of any, who had not 'intereſt in preſerving the public peace, who fought '*pro aris et focis*, and thought themſelves ſufficiently 'paid by repelling invaders, that they might with 'freedom return to their own affairs. In thoſe days 'there was no difference between the citizen, the 'ſoldier, and the huſbandman; for all promiſcuouſly 'took arms when the public ſafety required it, and 'afterwards laid them down with more alacrity than 'they took them up. So that we find among the '*Romans*, the beſt and braveſt of their generals came 'from the plough, contentedly returning when the 'work was over, and never demanding their triumphs 'till they laid down their commands, and reduced 'themſelves to the ſtate of private men. Nor do we 'find this famous commonwealth ever permitted a 'depoſition of their arms in any other hands, 'till their 'empire increaſing, neceſſity conſtrained them to 'erect a conſtant ſtipendiary ſoldiery abroad in fo- 'reign parts, either for the holding or winning of 'provinces. Then luxury increaſing with dominion, 'the ſtrict rule and diſcipline of freedom ſoon abated, 'and forces were kept up at home; which ſoon proved 'of ſuch dangerous conſequence, that the people were

'forced

'forced to make a law to employ them at a convenient diſtance; which was, that if any general marched 'over the river *Rubicon*, he ſhould be declared a public 'enemy. See above page 441.

'Though we ſhould admit, that an army might be 'conſiſtent with freedom in a commonwealth, yet it is 'otherwiſe in a free monarchy; for in the former, 'tis 'wholly at the diſpoſal of the people, who nominate, 'appoint, diſcard, and puniſh the generals and officers 'as they think fit, and 'tis certain death to make any 'attempt upon their liberties; whereas in the latter, 'the king is perpetual general, may model the army 'as he pleaſes, and it will be called high treaſon to 'oppoſe him. This ſubject is ſo ſelf evident, that I 'am almoſt aſhamed to undertake the proof of it. 'For if we look through the world, we ſhall find in 'no country, liberty and an army ſtand together; ſo 'that to know whether a people are free or ſlaves, it is 'neceſſary only to aſk, Whether there is an army kept 'up amongſt them? This truth is ſo obvious, that 'the moſt barefaced advocates for an army do not 'directly deny it, but qualify the matter by telling us 'that a number not exceeding twenty or thirty thou-'ſand are a handful to ſo populous a nation as this. 'Now I think that number may bring as certain ruin 'upon us, as if they were as many millions; and I 'will give my reaſons for it. It is the misfortune of 'all countries, that they ſometimes lie under an un-'happy neceſſity to defend themſelves by arms againſt 'the ambition of their governors, and to fight for 'what is their own; for if a prince will rule us with 'a rod of iron, and invade our laws and liberties, 'and neither be prevailed upon by our miſeries, ſup-'plications, nor tears, we have no power upon earth

'to appeal to, and therefore muſt patiently ſubmit to 'our bondage, or ſtand upon our own defence; which 'if we are enabled to do, we ſhall never be put upon 'it, but our ſwords may grow ruſty in our hands; 'for that nation is ſureſt to live in peace, that is moſt 'capable of making war; and a man that hath a ſword 'by his ſide, ſhall have leaſt occaſion to make uſe of 'it. Now I ſay, if a king hath thirty thouſand men 'beforehand with his ſubjects, the people can make 'no effort to defend their liberties without the aſſiſt-'ance of a foreign power, which is a remedy moſt 'commonly as bad as the diſeaſe; and if we have not 'a power within ourſelves to defend our laws, we are 'no government. For *England* being a ſmall country, 'few ſtrong towns in it, and theſe in the king's hands, 'the nobility diſarmed by the deſtruction of tenures, 'and militia not to be raiſed but by the king's com-'mand, there can be no force levied in any part of '*England*, but muſt be deſtroyed in its infancy by a 'few regiments; for what will twenty or thirty 'thouſand naked unarmed men ſignify againſt as 'many troops of mercenary ſoldiers. What if they 'ſhould come into the field, and ſay, "You muſt "chuſe theſe and theſe men your repreſentatives?" 'Where is your choice? What if they ſhould ſay, "Parliaments are ſeditious and factious aſſemblies, "and therefore ought to be aboliſhed?" What is 'become of your freedom? If they ſhould encompaſs 'this houſe and threaten, if the members do not ſur-'render up their government they will put them to 'the ſword; What is become of your conſtitution? 'Theſe things may be done under a tyrannical prince, 'and have been done in ſeveral parts of the world. 'What is it that cauſeth the tyranny of the *Turks* at

'this

'this day, but ſervants in arms? What is it that 'preſerved the glorious commonwealth of *Rome*, but 'ſwords in the hands of its citizens? I will add here, 'that moſt nations were enſlaved by ſmall armies. '*Oliver Cromwell* left behind him but twenty-ſeven 'thouſand men; and the duke of *Monmouth*, who 'was the darling of the people, was ſuppreſſed with 'two thouſand; nay, *Cæſar* ſeized *Rome* itſelf with 'five thouſand, and fought the battle of *Pharſalia*, 'where the fate of the world was decided, with twenty 'two thouſand. And moſt of the revolutions of the '*Roman* and *Ottoman* empires ſince, were cauſed by 'the pretorian bands, and the court janizaries; the 'former of which never exceeded eight, nor the latter 'twelve thouſand men. And if no greater numbers 'could make ſuch diſturbances in theſe vaſt empires, 'what will double or treble the force do with us? 'And they themſelves confeſs it when they argue for 'an army; for they tell us we may be ſurprized with 'ten or fifteen thouſand men from *France*, and having 'no regular force to oppoſe them, they will overrun 'the kingdom.'

The fear of an invaſion is no argument for an *army*; becauſe a ſufficient *fleet* to intercept invaders in their return, with a ſufficient *militia* to give them a proper reception upon their arrival, is preferable to an army, which muſt be ſcattered in different parts of the kingdom, and could not be brought together to reſiſt the invaders before they had done a great deal of miſchief.

It was obſerved by Mr. *Pulteney*[a] in the houſe of commons, *A. D.* 1729, in a debate on the number of forces for that year, 'that one fundamental argu-

[a] Deb. Com. vii. 38.

'ment for the eſtabliſhment of our liberties in the 'Bill of Rights is, that the keeping up a ſtanding 'army in time of peace is contrary to law; that ac- 'cordingly, after the peace of *Ryſwick*, the greateſt 'part of the army was diſbanded; and, though upon the 'juſt fear of a new war, the parliament complimented 'king *William* with an eſtabliſhment of 10,000 men, 'yet the ſame was not obtained without oppoſition; 'many honeſt and ſober men among the warmeſt 'ſticklers for the revolution, looking upon it as an 'encroachment on our liberties, and being juſtly 'apprehenſive it would prove a dangerous precedent: 'that during the late war our land forces, together 'with thoſe in our pay, amounted to above 200,000 'men, the load of which ſtill lies heavy upon us; but 'after the peace of *Utrecht*, there was a general reduc- 'tion, except about 12,000 men; that upon the late 'king's acceſſion, when the rebellion broke out in '*Scotland* and *England*, the army was indeed aug- 'mented with ſeveral regiments, and other additional 'troops, but theſe were again reduced not long after; 'that in the year 1727, upon the proſpect of the great 'dangers that were apprehended from the treaty of *Vi- 'enna*, an augmentation of about 8000 men was moved 'for in this houſe, but the ſame was warmly oppoſed; 'nor was it granted, but upon aſſurance that this 'expence ſhould ceaſe, as ſoon as the extraordinary 'occaſion that called for it was over: that the event 'has ſhewn that moſt of thoſe apprehenſions were 'groundleſs and chimerical.'

On the ſuperior importance of the navy to the army, Mr. *Potter* [a] ſpoke excellently in the houſe of commons, *A. D.* 1751, as follows;

'I am

[a] *Alm.* Deb. Com. iv. 268.

'I am really aſtoniſhed, Sir, when I conſider how 'inconſiſtent ſome gentlemen are, when they argue 'for a number of *land* forces to be kept in the pay of 'the public in time of peace, and when they argue for 'a number of *ſeamen* to be kept in the pay of the pub-'lic. When the queſtion before us is about the number 'of land forces to be kept up in time of peace, they 'never once think of the vaſt number of brave land-'men we have, and I hope always ſhall have in this 'iſland: Theſe are with them, upon that occaſion, 'of no account with regard to the ſtrength or power 'of the nation, which they then ſay conſiſts only in 'the number of men we have in actual pay, and ſub-'ject to the ſlaviſh rules of military law; and when 'any one propoſes a diminution of the number, they 'exclaim, What, will you weaken the hands of 'government? Will you diſmiſs thoſe men upon 'whom alone you can depend for your protection? 'But when the queſtion comes about the number of 'ſeamen to be kept in public pay, they then tell you 'that the maritime power, or ſtrength of this nation, 'does not depend upon the number of ſeamen you 'have in the actual pay of the public, but upon the 'numbers that belong to the wide extended *Britiſh* 'dominions, though many of them are at all times 'diſperſed over the whole face of the globe. Theſe 'you may reduce, theſe you may diſmiſs at pleaſure, 'without expoſing yourſelves to any danger. From 'this way of arguing, Sir, would not an ignorant 'ſtranger conclude that the government has no power 'over the land men of this iſland, even in the caſe of 'an invaſion, or that a man might learn to be a com-'plete ſailor in a few days, but could not learn to be 'a complete ſoldier in a few years? One of theſe 'concluſions an ignorant ſtranger would certainly

'draw; and yet, with reſpect to both, we know that 'the caſe is directly the reverſe. Upon any threatened 'invaſion his majeſty has as much power over the 'land men, that is to ſay, the militia, ſo far as relates 'to the proper uſe to be made of them, as he has 'over the ſeamen; nay more, becauſe the landmen 'are always at home, but great numbers of our ſea-'men are at all times abroad; and do not we all 'know, that to make a complete ſeamen requires 'ſeveral years ſervice at ſea, and early in life too? 'Whereas the moſt ignorant land man may learn all 'the buſineſs of a common ſoldier in a few days: I 'mean all the fighting buſineſs; for as to all the 'punctilios of a review, I ſhall grant, it may require 'ſome months before he can go through them with 'dexterity.'

Mr. *Sandys* [a], *A. D.* 1740, ſpoke as follows on the inconveniencies to which the ſubjects are reduced by quartering ſoldiers.

'Sir, It is an unfortunate ſtate we are fallen into, 'that every ſeſſion of parliament muſt be attended 'with new laws, or new clauſes in old laws, for 'oppreſſing the induſtrious ſubject, and endangering 'the liberties of the country. It is impoſſible to levy 'high duties upon the neceſſaries or conveniencies of 'life; it is impoſſible to keep up numerous ſtanding 'armies without ſuch laws, or ſuch clauſes, and yet 'we have, for twenty years, been contriving how to 'continue and increaſe both. The high duties we 'groan under were introduced for ſupporting a heavy 'and expenſive, but neceſſary, war; but how the 'keeping up of a numerous ſtanding army in time of 'peace was introduced, I can no other way account 'for,

[a] Deb. Com. xii. 127.

'for, than by ſuppoſing, that it was neceſſary for ſup-
'porting unpopular deſtructive meaſures, and a hated
'miniſter. I am ſurpriſed to hear the forcible quar-
'tering of ſoldiers upon public or private houſes
'inſiſted on, as if it were a neceſſary means for the
'ſupport of our government. Sir, if we were to
'attend ſtrictly to our conſtitution, even as it ſtands
'at preſent, we ought in no mutiny bill to admit of
'the quartering of ſoldiers, even on public houſes,
'except for a few nights in their march from one
'garriſon to another, or for the firſt night after they
'arrive at the place deſigned for their reſidence.
'Though we now keep up, though we have long kept
'up, a great number of ſtanding forces in time of peace,
'yet, properly ſpeaking, they are no more than is
'ſuppoſed to be neceſſary for guards and garriſons;
'and accordingly, the reſolution annually agreed to
'in this houſe is, That the number of effective men
'to be provided for guards and garriſons in *Great*
'*Britain* for the enſuing year, ſhall be ſuch a num-
'ber as is then thought neceſſary. Before the revo-
'lution we had guards and garriſons, even in time of
'peace. But before the revolution, and ſome years
'after, we had no quartering of ſoldiers, either upon
'public or private houſes, in time of peace, without
'the conſent of the owner. On the contrary, by an
'expreſs law, the latter end of *Ch.* IId's reign, it was
'enacted, That no officer, military or civil, or other
'perſon, ſhall quarter or billet any ſoldier upon any
'inhabitant of this realm without his conſent; which
'law ſtood in force till near the end of the year 1692,
'when the firſt law was made for quartering ſol-
'diers in public houſes. Before that year, Sir, our
'guards and garriſons, by which, I mean, all the
'ſoldiers we had on foot, even in their marching

'from one place to another, were obliged to quarter 'themſelves, as other travellers do, in houſes that 'were willing to receive them; and when they came 'to any garriſon, or place where they were to reſide, 'every officer and ſoldier provided quarters for him-'ſelf, in which, I believe, there was no inconveni-'ence found; for when ſoldiers behave civilly and 'are agreeable to the people, there will always be 'houſes enough, either public or private, that will be 'glad to receive them for what they are able to pay, 'unleſs there be a greater number of them than the 'place can conveniently accommodate. From the 'revolution to the year 1692, we had a ſort of civil 'war amongſt ourſelves; for *Ireland* was not entirely 'reduced till the end of the year 1691, and as *inter* '*arma ſilent leges*, perhaps, during that time ſome 'liberties were taken with the laws in reſpect to quar-'tering or billeting of ſoldiers. But in the year '1692, the domeſtic tranquillity of the three kingdoms 'being re-eſtabliſhed, the parliament began to think of 'reſtoring the laws to their priſtine force. However, 'as we were then engaged in a dangerous foreign 'war, and upon that account obliged to keep a greater 'number of troops than uſual; and as our troops 'were often obliged to march in great bodies either 'from one place of the kingdom to another, as danger 'threatened, or through the kingdom in their way to '*Flanders*, the parliament ſaw it would be neceſſary to 'provide quarters for them upon their march in a 'different manner from what had been allowed by 'law; and therefore, in the mutiny-bill for the en-'ſuing year, which then firſt begun to be entitled, '"A bill for puniſhing officers and ſoldiers who ſhall 'mutiny or deſert their majeſties ſervice, and for 'puniſhing falſe muſters, and for the payment of 'quar-

'quarters," the clauſe for quartering ſoldiers in public 'houſes, without conſent of the owner, was intro-'duced, and has ever ſince remained in all the mutiny 'bills paſſed to this day; for a favourite power once 'granted to the crown is ſeldom recovered by the 'ſubject without ſome remarkable revolution in our 'government.'

The tranſaction which, in the year 1741, occaſioned the following reprimand, ſhews, in a very ſtriking light, the evil of a ſtanding army, and one of the bad uſes it may be put to.

'Mr. *Blackerby*, Mr. *Howard*, Mr. *Lediard!* You 'having at the bar of this houſe yeſterday confeſſed, 'that you did ſend for and cauſe to come, on *Friday* 'the eighth day of *May* laſt, a body of armed ſoldiers, 'headed by officers in a military manner, who did take 'poſſeſſion of the church-yard of *St. Paul*, *Covent-'Garden*, near the place where the poll for the election 'of citizens to ſerve in this preſent parliament for 'the city of *Weſtminſter*, was taken, before the ſaid 'election was ended; and you having acknowledged 'your offence therein, the houſe did order you to 'attend this morning, to be brought to the bar to be 'reprimanded on your knees by me for the ſaid offence. 'I cannot better deſcribe to you the nature of this 'offence you have been guilty of than in the words of 'the reſolution this houſe came to upon their examination 'into that matter, which are; That the preſence of a 'regular body of armed ſoldiers at an election of mem-'bers to ſerve in parliament is an high infringement of 'the liberties of the ſubject, a manifeſt violation of the 'freedom of elections, and an open defiance of the laws 'and conſtitution of this kingdom. And it is impoſ-'ſible, if you will conſider the terms of this reſolution,

'but

'but that you muſt have in your breaſt the deepeſt 'ſorrow and remorſe for this raſh act of yours, which, 'if it had not been duly animadverted upon, might 'have given the moſt dangerous wound to the conſti- 'tution of this free country that perhaps it ever had 'felt.—This country is free, becauſe this houſe is ſo; 'which this houſe can never be, but from the freedom 'of election to it: And amidſt the too many ways 'for violating that, none can be more pernicious, 'becauſe none more quick, deciſive, and permanent, 'than what you might unhappily have ſet a precedent 'for, and which might have grown to an extremity 'under the ſpecious and ready pretences of fears and 'neceſſity that ſuperſede all law; a precedent that 'would have received an authority from the place it 'began in, the ſeat of the government and legiſlature 'of this kingdom. Neceſſity, which is to take place 'of law, muſt be left to the circumſtances of every 'particular caſe. The act muſt be preſumed to be 'wrong, enquired into as ſuch, and excuſed only by 'the cleareſt proofs, that the neceſſity for it was real. 'What you have done is againſt one of the moſt eſſential 'parts of the law of the kingdom. Has any real neceſ- 'ſity been ſhewn for it? There might be fears; there 'might be ſome danger: but did you try the ſtrength 'of the law to diſpel thoſe fears, and remove that 'danger? Did you make uſe of thoſe powers the law 'has inveſted you with as civil magiſtrates for the 'preſervation of the public peace? No: You deſerted 'all that; and wantonly, I hope inadvertently, re- 'ſorted to that force the moſt unnatural of all others, 'in all reſpects, to that cauſe and buſineſs you were 'then attending, and for the freedom of which every '*Briton* ought to be ready almoſt to ſuffer any thing.

'More might be ſaid; but you have acknowledged 'your offence, and have aſked pardon for it. This 'has diſpoſed the houſe to lenity. Uſe it not to leſſen 'the ſenſe of your crime; but to raiſe in your hearts 'that ſenſe of gratitude you owe to the houſe for that 'gentle treatment you have met with on this occaſion; 'in expectation of which you are diſcharged, paying 'your fees[a].'

The confidence, which a ſtanding *army* gives a miniſter, puts him upon carrying things with a higher hand, than he would attempt to do, if the people were armed, and the court unarmed, that is, if there were no land-force in the nation, but a militia. Had we at this time no ſtanding army, we ſhould not think of *forcing* money out of the pockets of three millions of our ſubjects. We ſhould not think of puniſhing with military execution, un-convicted and un-heard, our brave *American* children, our ſureſt friends and beſt cuſtomers. We ſhould not inſiſt on bringing them over to be tried *here*, on pretence of no juſtice to be had in *America*, in direct violation of the conſtitution, eſpecially when we had ſo late an experience of their *candor* in *acquitting* an *officer* of the *army* charged with murdering one of their people, even *ſince* the commencement of the preſent unhappy *diſſentions*. We ſhould not think of putting them in a ſtate of ſubjection to an *army* rendered *independent* on the *civil* magiſtrate, and ſecured from *puniſhment* even for the moſt atrocious offence, by their being to be ſent 3000 miles to their mock-trial, acroſs an ocean, where the *perſons* and things indiſpenſably *neceſſary* for their trial, *cannot* poſſibly be had. We ſhould not think of putting

[a] Deb. Com. xiii. 104.

ting a part of our weſtern dominions, as large as all *Europe*, under *French* law, which knows nothing of our ineſtimable privilege of trial by *jury*, whilſt our kings at their coronation ſolemnly ſwear to govern all the ſubjects by the *Engliſh* law. We ſhould not think of giving our *kings* power to make not only laws, but legiſlators, for a vaſt multitude of the ſubjects, without concurrence of lords and commons. We ſhould not propoſe to give the ſanction of parliament to *popery*, in direct oppoſition to *revolution*-principles. We ſhould not think of giving *papiſts* the power of making *laws* obligatory upon *proteſtants*, with ſevere penalties and ſanctions. We ſhould not imagine a government for a vaſt colony, veſted merely in a *governor* and *council*, always ſuppoſed to be creatures of the *court*, without ſo much as the name of an aſſembly of *repreſentatives*, without the *people*'s having any hand in the making of their own *laws*, which is the very perfection of ſlavery. We ſhould not think of reſuming *unforfeited* charters. We ſhould not think of making governors, the needy, and often worthleſs dependents of our corrupt court, lords paramount over our brave coloniſts, by giving them the power of appointing and removing judges at their pleaſure, while the governors themſelves, however tyrannical, are liable to no impeachment by the people. We ſhould not—but there is no end to obſervations on the difference between the meaſures likely to be purſued by a miniſter backed by a ſtanding *army*, and thoſe of a court awed by the fear of an *armed people*.

I had collected a great deal more upon the ARMY, than what is here laid before the public. Fearing leſt I ſhould tire the reader, I have ſuppreſſed many ſpeeches and quotations on this head, as well as moſt of the other

others I have treated of. What I have publiſhed will ſhew plainly, that the ableſt men, and beſt citizens of this realm, have looked upon a mercenary army in times of peace, whether allowed from year to year, or eſtabliſhed for perpetuity, as a dangerous and alarming abuſe in a free country. They oppoſed it ſtrenuouſly in treatiſes, pamphlets, and ſpeeches. And we let it paſs annually without queſtion or diſpute. Whether the fears of our anceſtors, or our indifference, are moſt reaſonable, time will ſhew. By the aſpect of the preſent times, it is not improbable, that the point may very ſoon be decided.

End of the Second Volume.

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